

THE
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ART. I.—1. *Twelfth Annual Report of the Poor-Law Board, 1859-60.* Presented to both Houses of Parliament by command of Her Majesty. London: Eyre and Spottiswoode, 1860.

2. *The Workhouse Papers, for May, June, July, and August, 1860.* Published for the Workhouse Committee by Messrs. Burns and Lambert.

3. *The Catholic in the Workhouse.* Popular Statement of the Law as it affects him—the religious grievances it occasions—with practical suggestions for redress. By Charles A. Russell, Esq., Barrister at Law. London: Catholic Publishing and Bookselling Company, Limited. 1859.

IT is proverbially ill talking between a full man and a fasting; and probably no harder task could be found than for a poor famishing creature to have to bring home to his well-fed neighbour the fact that he is really hungry. Our countrymen have provided themselves with liberty in such abundance, that they have plenty to spare for enslaved nationalities; and wearing the beam in their eye with a jaunty unconsciousness, they devote themselves to the friendly work of finding motes elsewhere. Charity should begin at home and set its own house in order: and the stones we contribute to our neighbour's building would come from us with a better grace if we had first used all we needed ourselves in substituting something solid for the fragile glass of which our house is built. The dominant religion has provided so well for itself, that we cannot get its comfortable professors to give ear to us when we say that in all workhouses, in most prisons, and in some lunatic

asylums, the Catholic inmate is treated with the most flagrant injustice.

Why will not people listen to us on this workhouse question? They say, "it is an Irish question," or, "it is a priests' question," and so saying, they think they have settled it for ever. They cannot think we are in earnest when we ask that justice may be done to a pauper, or that some child who is being fed and taught in a workhouse or district school, may be brought up a Catholic. What can it matter to us, they think, what religion a handful of pauper children are taught, whether they learn that there are two sacraments or seven, whether they come to believe that the queen or the Pope is the head of the Church, whether they hear Mass or listen to "Dearly beloved brethren?" There must be, they imagine, some political end in such a demand, that they cannot see. Would to God that we could persuade them that the salvation of souls in our minds ranks first; that Catholics, whose politics are of every shade and variety, will unite for this end; and that, rightly or wrongly, *we believe* that the Roman Catholic Church is the only true Church, and that nothing is so shocking as that, through our fault, the soul even of one pauper child should be deprived of the means of salvation. An Irish question? Well, it is, if Irishmen see that these paupers of Irish origin, are not treated with ordinary fairness. A priests' question? Yes, it is; and it may be a justification to remember that for these very souls, baptized by them and then taken from them, if they have not done their best to reclaim them, those priests "must give an account," and that they are the souls of the very poor to whom the Gospel is preached. It may be an Irish question and a priests' question too; and please God, if not soon settled, it will become much more than either the one or the other,—and yet one to which every Englishman may condescend to listen and reply.

But we are told, "You have already been heard again and again; your cases will not bear investigation; they have broken down at every trial." It is against such prejudice that we have to speak; it is against this kind of treatment we feel called upon to enter our most solemn protest. We plead most earnestly for patience for but a few minutes; we ask to be heard in behalf of those who cannot speak for themselves; we pray that their cause may not be decided against them till it has been fairly stated;

and then if any one can honestly say that it is no grievance, and that he would not mind it if it were to befall himself and his children, we at least shall not be able to say that the case has been prejudged.

When a Protestant enters a workhouse as an inmate, his religious advantages and opportunities are materially increased. Hitherto most probably, considering the class from which he comes, he has not been a very assiduous church-goer; it is not likely that his personal intercourse with a clergyman has been very frequent; and his supply of religious books has hardly exceeded some casual tract. But now all this is changed. By the mere fact of his admission into the workhouse, he has been brought into the closest connection with his religion that could be devised for him. There is a religious service daily at which he is bound to be present; his Sunday Church is under the same roof with him, and he frequents it as a matter of course; religious books are provided for him, and there is a chaplain whose special duty it is to look after him. Before this, if he wished to speak to a clergyman, the probability is that in most cases he would have had to take the initiative; but now the pain of breaking the ice does not befall him, the *mauvaise honte*, so general amongst the English poor, need not stand in his way, the chaplain will seek him out and speak to him; and if he has any care at all for the religion in which he has been brought up, or if it is capable of affording him any consolation, he will now put it into practice, and he will receive comfort from it, if from it alone, as he becomes in his old age a pensioner on the compulsory alms of others. And if he has children about whose souls he feels any anxiety, he knows that they are not only receiving a fair education, in some cases an excellent one, but he is assured that they are being carefully and regularly instructed in the religion which he believes to be the true one. There is harm enough and corruption enough in workhouses: the promiscuous assemblage of so many, and their freedom of intercourse must necessarily do a great deal towards bringing down the morality of all to the level of the more depraved; but as far as the Church of England has any religious machinery and organization, it is all brought to bear with the view of influencing religiously the workhouse system.

But if the pauper be a Catholic, what a contrast in this respect his position presents to that of a Protestant! All

this machinery which is a help to the latter, and appeals in every way to his religious associations and feelings, is as alien as possible to the convictions of the Catholic. The words that he hears, the hymns that are sung, the very look of the minister, all bring back to the mind of the Protestant any religious impressions he may have ever received ; but these same things produce exactly the opposite effects on the mind of a Catholic. The words he hears, if they convey to him any meaning, very likely sound to him what the Church that he reveres has taught him to avoid as false doctrine, and the "parson" by no means personates the Church, is no *persona ecclesiæ*, to him. And in most cases, before he knows where he is, he is in the midst of this religious system. The board of guardians, the relieving officer, the master or matron, the wardsman, the chaplain, are all Protestants ; if he finds a Catholic, it is in the same position with himself, and he must have not only a deep faith, but a resolute and fearless heart, to profess his religion under such circumstances. If he has not been forewarned that he need not go to the services of the Protestant Church, he will not be aware that he can claim exemption, and he will thus find himself present at religious services, which he has never in all his life regarded as the way in which he ought to worship God, at the same time that he is dis severed from all that he accounts holy and deserving of reverence ; and he is therefore left in this dilemma, that he must thus continue, acting what his conscience tells him is the part of a renegade to the religious convictions in his soul, or else he must make a declaration of his faith, which, considering the influence of human respect, is little, if at all, short of heroic. The very organization that calls into life any latent sense of religion in the Protestant, is simply a snare to the conscience of a Catholic.

And how could it be otherwise ? The two religions are held by all, for good or for evil, by friend or foe, to be poles asunder, and that which is most advantageous to the adherents of the one, will be most prejudicial to those who conscientiously believe in the other. Here indeed, what is one man's meat is another man's poison. Would not the Protestant think so if a Protestant or two were to be introduced into an Irish poor-house, and to find there none but Catholic authorities, a Catholic priest for chaplain, all the inmates attending Mass, and he

himself expected to do so unless he had the courage to declare himself an exception to all about him? Such a workhouse nowhere exists. In Ireland the law* has carefully provided every safeguard for the religious freedom of a Protestant, though he should be the only one in the house; and rightly has it so provided; but how long must we wait before a Catholic in an English workhouse has the same religious liberty given to him that a Protestant has long enjoyed under the Irish poor law? Great as this contrast is between the religious provision made for the adult Catholic and the Protestant inmates respectively, the difference of treatment to which the children are subjected is very much more grievous. The result then of the boasted fairness of our Protestant legislation and Protestant government is, that there is one measure for the Protestant and another for the Catholic. What they would have done to themselves they show us by doing it for themselves where they have the power, as in Ireland; but the state of things in England shows that they have not done to others as they would be done by. In the appointment of chaplains for the army perfect religious equality has obtained; the committee of Privy Council on education treat all religions alike; but under the poor laws no such thing as religious equality exists in the country. In common honesty, and from an Englishman's horror of hypocrisy, let us remedy the evil now it is pointed out, or let us cease our professions of equal justice and the same laws for all the subjects of the Queen.

On the admission of an adult into a workhouse he is asked a number of particulars, which are entered by the master in a book termed the Indoor Relief List. Amongst

* Sec. 48 of the Irish Poor-Law, 1 and 2 Viet. cap. 46, enacts that "the commissioners shall take order for the due performance of religious service in the workhouses and for appointing fit persons to be chaplains; but nothing therein contained was to authorize the commissioners to appoint more than one fit person, being of the Established Church, and one being a Protestant Dissenter, and one being of the Roman Catholic Church, chaplains at any one time in any Workhouse; and the commissioners were to fix and regulate the salary of such chaplains." Russell, p. 30. It is needless to say that we consider of the very greatest value and importance the provision by which the chaplains are subject to the Poor-law Board only, and not to the various boards of guardians throughout the country.

such questions as, What is his age? Where was he born? he is asked, What is his religion? His replies are noted down, and then the book is shut up and put by. As far as any practical effect is concerned in the majority of cases, amongst which are to be included all the metropolitan workhouses, it is as though the entry had not been made. There is, it must be remarked, a variety of practice throughout England in this as in most other of the points we shall shortly notice. There are workhouses in which the priest is able to see all who are registered as Catholics, but such cases are unhappily exceptional, nor is there any means whatever of enforcing such a practice. On the contrary, the Act of Parliament is usually taken to mean that it requires a direct and personal demand on the part of the pauper, to enable him to see the priest. But, small as the advantage is, the existence of what we may call a Creed Register, the fact that each adult is asked on his admission what his religion is, and that his reply is recorded, is very important, as the foundation on which all new regulations, which attempt to secure religious liberty to the pauper, should be based. That this Indoor Relief List should be kept, is not ordered by Act of Parliament, but by an Order of the Poor Law Board of the 17th March 1847, and this only as binding *the workhouses under* their jurisdiction*. Wherever, therefore, the establishment for paupers is not a workhouse, or where the workhouse is exempt from the authority of the Poor Law Board, this Order is not obligatory, and the very first step has to be taken towards treating the inmate as if he had a religion. It is difficult to ascertain whether in these latter cases the Creed Register is kept or not, but it is believed that in the District Schools, where above all places it is of the greatest consequence that so vital a provision should be observed, no such thing exists. It is no doubt far easier to keep a list of the half dozen children or so, whose parents or kinsfolk have gone through the vexatious formalities required in order that the children may see a priest, than to enter after due enquiry the religions

* Under the Poor Law Amendment Act there are 610 unions and single parishes; under various local acts, Gilbert's Act, and the 43rd Elizabeth, there are 138 unions, &c., making a total throughout England and Wales of 748 unions, &c. In the schedules of the Order are enumerated 591 unions, &c.

of all in a document, which might before a Parliamentary Committee furnish startling evidence of the extent to which the proselytism of children has been carried on. We ask, as our first demand, the fairness and moderation of which none can gainsay, that the rule laid down by the Order of 1847, be extended to *all* workhouses and to *all* establishments for the reception of paupers. If it be a proper rule for some, it is proper for all. And as the Poor Law Board seem to have been endowed with very slight, if any, powers of enforcing their rules, it would be better that this rule should form a clause in an Act of Parliament—in the much-needed, long-sighed-for Act for the Amendment of the Poor Law.

There is a great deal more to be said as to the application of the system of registration to infants, but we will return to this portion of the subject, confining ourselves for the present, for the sake of clearness, to the condition of adults. Of these we have already said that, having been asked their religion, and that having been written down, which has taken as long and produced as much impression as the question whether they are married or single, widow or widower, the new inmate goes to join the other denizens of the workhouse; and that he is expected to be with them not only in their secular occupations, but also in their religious services, unless he makes a protest to the contrary. Let us now see, supposing his love for his religion to be of the deepest, and his courage the most undaunted, supposing fear and human respect not to exist in his heart, and that he is determined to avail himself to the utmost of every assistance of his own religion—let us see what is the most that the law permits him to enjoy.

The Act of Parliament runs thus: Nothing “shall oblige any inmate of any workhouse to attend any religious service celebrated in a mode contrary to the religious principles of such inmate;” and it also provides “that it shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate.” Our Catholic pauper having availed himself of the first of these two provisions, to the extent of absenting himself from all services conducted by the chaplain, and having perhaps felt himself no little perplexed in conscience by his presence at prayers read

by master or matron,* begins to wish to practise his own religion, and therefore asks for his priest. He wants to hear mass, he is thinking about going to confession, he hopes soon for holy communion, and naturally asks for the priest. The success of his request depends on the practices of workhouses, which vary to a striking extent. This of itself proves the existence of very great hardship; for the only conceivable excuse for depriving the pauper of the religious liberty he enjoyed before he entered the workhouse is, that it might interfere with the discipline of the house. The pauper's right is proved by the mere statement of the case to treatment as liberal as that existing in any one workhouse in the kingdom; for the existence of such freedom in one workhouse, of the regulation of which no complaint is made, is of itself a proof that the same rules are compatible with the discipline of all. It is preposterous to leave the regulation of such matters to local boards throughout the country. By leaving subjects of such importance to corporations so unfit to exercise such powers, the legislature is guilty of the most grievous injustice to a large class of the community, who, above all others, require protection.

But, although we cannot lay down precisely an outline of the religious treatment of the adult in interpretation of the clause of the Act we have quoted as prevailing equally in all workhouses without exception, we can put our readers in possession of the state of things in most workhouses, and which it is therefore most likely will be the lot of our pauper. The Act says that at the request of the inmate, a priest may enter the house to visit him, at all times in the day, for the purpose of affording him religious assistance. The character of the persons to whom the execution of the law is committed, and their fitness for making rules on such subjects, are shown by the interpretation that many Boards of Guardians have put upon this clause. They have required that for a second visit of the

* "The following shall be the duties of the Master. No. 4. To read prayers to the paupers before breakfast and after supper every day, or cause prayers to be read."—*Consol. Order, Art. 208. Glen, p. 147.* In Art. 124 it is "provided that those paupers who may object so to attend, on account of their professing religious principles differing from those of the Established Church, shall be exempt from such attendance."—*Glen, p. 82.* This exemption is very little known and seldom used.

priest, a second request of the inmate should be made, and a fresh request to justify each visit, and they have not excepted even the case of the bed-ridden and the dying. This grievance has often been carried by appeal to the Poor Law Board, and it has furnished one more proof, if proof were needed, that justice can often be obtained from a Central Board which is denied by local administrations. Though the Poor Law Board cannot apparently enforce their decisions, there is no doubt that their opinion carries with it great moral weight, but they are very chary of expressing an opinion at all in most of the cases that affect us. However, in this case they have expressed an opinion, and that in our favour, and we should be happy if we could believe that the practice in all workhouses corresponded with that opinion.

It is not difficult to imagine what course a Board of Guardians would continue to pursue with whom this was a commencement. The usual practice has been, when the *toties quoties* request was abandoned, to appoint a single hour, or at the most two, in the week, in which the priest should be allowed to enter the workhouse. The Act of Parliament we have been hitherto quoting, the 4th and 5th William IV. c. 76. § 19. says, "at all times in the day," and this is the Act applicable to the case of which we are speaking; and if these words were held to mean "at all reasonable times," as it runs in the corresponding sect. (43) of the Act applying to District Schools, the 7th and 8th Victoria, c. 101, no one could complain. But what possible right or power can these guardians have to limit in this arbitrary and tyrannical manner, privileges conferred by Parliament?

If our Catholic, therefore, were in one of these workhouses, and, from their number it would be, unfortunately, very easy for him to be in this unhappy plight, what would be the result of his asking to see the priest? Unless he were dangerously ill, he would be told to wait until the hour for the priest's visit came round, and when it arrived how many minutes would the priest be able to afford him for the "religious assistance" the law of the country promises him, when the claims are all satisfied, of the sick, and the bed-ridden, or aged, those who may have confessions to make, the children in some cases who are to be catechised or prepared for first communion, or adults who require special instruction for the sacraments? By

whom can such a space of time be considered adequate for the decorous fulfilment of the many duties that a priest is called upon to perform within the workhouse walls? Can any thing be conceived more wanton than thus to mock at the spiritual wants of the poor? If the food with which they are fed bore any proportion to this supply for the needs of their souls, they would soon die of starvation. Will their souls survive such workhouse fare?

And it will scarcely be believed that even this pittance is sometimes withheld. In some workhouses the consolation that five or ten minutes conversation with the priest would impart is begrudged to those who are permitted to go to mass on Sundays. In what way the one is supposed to be a substitute for the other we cannot guess. On the Sunday morning the priest is so busy that he cannot see each individual separately, and thus the poor man loses even the homœopathic dose of religious instruction which the tender mercies of the Board of Guardians consider sufficient for a pauper. Who are they whose "tender mercies" we are taught "are cruel"?

To those tender mercies our poor Catholic friend is consigned when he wishes to attend mass. An Act of Parliament has devoted two clauses of a sentence to his soul's welfare: what more can he expect? Whether he may be present at mass or no depends entirely on the rules that the Guardians may think proper to make.* And, as might be expected, the rules that some Boards have made are strange enough. In some unions no inmate is allowed to go out to mass unless he is sixty years of age. It may easily happen that a woman may be deserted by her husband, say at 30 or 35 years of age, and on being obliged to enter a workhouse, she will thus be debarred from mass by this cruel rule for some 25 or 30 years. In other work-

* "The Guardians may authorize any inmates of the workhouse, being dissenters from the Established Church, to attend public worship at any dissenting chapel in the neighbourhood of the workhouse, on every Sunday, Good Friday, and Christmas Day." *Art. 126 of the Consolidated Order.* The Article, it will be observed, is permissive only. "In cases where permission to leave the workhouse has been abused, the Guardians may properly exercise their discretion of refusing the pauper temporary leave of absence from the workhouse for sometime afterwards, as a month or six weeks, if he should continue an inmate of it." *Instr. Letter, Feb. 1842. Glen, p. 83.*

houses it is the rule that an inmate shall go out to mass only once a fortnight. Though less hard by half than the previous rule, it is far more indefensible, for the person who can be trusted out on one Sunday does not necessarily become untrustworthy on the next. Who has authorized these Guardians to substitute for one of God's commandments one of their own making: "Remember that thou keep holy the fourteenth day?"

It may be said, in justification of the first of these rules, that paupers cannot ordinarily be trusted out of the workhouse, and that they abuse the privilege of going to mass when it is granted to them. It is no doubt true that this permission to go out on a Sunday morning is a highly prized privilege; but we cannot allow that this furnishes any excuse for the custom prevailing in most workhouses, and unfortunately authorised by the Poor Law Board, of preventing a man's attendance at church as a punishment for having misused the opportunity afforded him by thus being allowed to go out. For faults thus committed, as well as for others, he should be punished; but to punish him by preventing him from attending the public worship of God seems to us an iniquitous and demoralizing kind of punishment. Some means could surely be taken to prevent its being abused, besides the fear that a comparatively trifling delinquency, such as taking a piece of tobacco into the house, will entail the breach of the Church's precept of hearing mass on the following Sunday,—and well, if it be not, as in some cases we have known, for two or three months. An officer of the workhouse might accompany them to and fro, if the real, the only real remedy be not adopted. That which ought to be done is patent enough. Mass should be said in the workhouse* for the Catholic inmates on all Sundays and Holidays. We do not wish religion to be a cloak for

* "The Guardians are not restricted from permitting the attendance of duly licensed Dissenting Ministers at the workhouse, at stated periods, for the purpose of performing religious services..... There is, however, greater difficulty in the case of Roman Catholics; inasmuch as Mass cannot be solemnized in a workhouse unless it should contain an altar consecrated for the purpose." *Glen*. pp. 81, 83. Mr. Glen has never heard of a portable altar. However, the way in which we should say Mass in a workhouse is our affair: we only wish that the greatest "difficulty" we had to contend with were providing the altar-stone.

any breaches of discipline; we have no desire that any favour should be conferred on the Catholics by a leave which is not granted to others; but we do demand that the Catholic may have as free opportunities for the exercise of his religion as the Protestant; and we demand, as we have the right to demand, perfect religious equality between them. In only one way can this be really effected. The Catholic service must be as regularly performed within the workhouse walls as the Protestant; and this can only be done by the official appointment of Catholic chaplains to workhouses. The clergy who are attached to our Churches are always most willing to attend the workhouses on week days; but on Sundays they are almost invariably unable to do so. The obligation on every individual Catholic, is known to the workhouse authorities to be indispensable. As then our clergy are absolutely prevented from enabling the Catholic inmates to perform this obligation within the workhouse on the Sunday, it follows as a necessary consequence that it is the duty of those authorities to provide for the Catholic poor the adequate means for performing this duty at the nearest Catholic Church. Any inconvenience or expense which may be occasioned thereby will be most legitimately borne by those rates to which the Catholic body is obliged to contribute, and out of which are provided the means of religious instruction for the non-Catholic inmates. Such an arrangement would be most satisfactory to us, as assuring us that we really possessed that religious equality which as yet has been but a name; but it would be most satisfactory to the Guardians too, for it would enable them to give that "religious assistance" to the pauper who is under their charge, which the dictates of humanity demand, and that without the faintest injury to the discipline of the house. But if this step be not taken, as it assuredly ought to be, and until arrangements can be made for this purpose, most undoubtedly the Guardians are bound to take more trouble than they have yet taken to enable all Catholic inmates to go to mass. The general rule is to permit wives to go with their husbands, and children with their parents; but means ought to be provided to enable orphans and deserted children, wives deserted by their husbands, and young unmarried women to be present at their Church service on Sunday morning, while every abuse should be guarded against. The real remedy we

have already shown to be, that if there is any difficulty about their going to Church, the Church ought to be brought to them: but if this is not to be, the Administrators of the Poor Law must remember that nothing can justify their keeping one single Catholic from mass. Those who would be most likely to misuse a momentary liberty are those who most require religious instruction and counsel, and the habit of the exercises of religion; and, knowing that where there is a will there is a way, we require that such a way should be found. The full responsibility of finding a substitute for the right way rests upon those who reject the right way of satisfying their duty to those committed to them. In most cases now the clergy are called upon to sign tickets as a proof that such paupers as have leave to attend church have really been present: why is not this system of checks and safeguards sufficiently organized to permit all Catholics to hear mass? A list might be furnished to the priest; certain seats might be set apart for them; if no workhouse official could be spared, some trustworthy person might have the charge of the Church-going paupers; the children might be given into the care of well-conducted adults: many arrangements could be devised that would remove from our workhouses the stigma of being places where on Sunday mornings Catholics are shut up and not allowed to hear mass.

But mass is not our poor Catholic's only want, though it is a very important one. He requires the Sacraments, and unless he is ill, very often unless he is dangerously ill, he has great difficulty thrown in his way. A priest, who has one or two hours a week within the workhouse, must set aside some portion of this time for hearing confessions, and in many cases they have to be heard in the Board-room, in the presence of the assembled Catholics. It is well if all the inmates have this opportunity of going to confession. In some cases if they have permission to go to mass on Sunday morning, they are not allowed to see the priest on his week-day visit. They, arriving at the Catholic Church just as mass is going to begin, at 11 o'clock, must, if they would go to confession at all, ask the priest to hear them, at what is of all others the most inconvenient hour of the week. And for holy communion, such as have leave to go to mass, may then no doubt go to communion, if they have the bodily strength to fast till long past midday; but, con-

sidering that this leave is seldom given except to the aged this is hardly to be expected. And they have to make their confession precede their communion as best they may. But their case is a happy one compared with that of many of their fellow-inmates. How are those who never enter a Catholic Church, and only see a priest from one to two on Wednesday, or between five and seven on Thursday,—how are they to receive holy communion? Poor things! They say, "Give us this day our daily Bread:" but all that the Guardians can do to keep them from the Bread of Life, they do. We are the creatures of habit, and neglect of holy things, even though compulsory, leaves its impression on the soul, and even if there were no spiritual lethargy to overcome, no constant temptations to fight against, such fearful discipline as this would injure all but the most heroic and fervent souls.

One other grievance there is to which the adult Catholic in the workhouse is subjected, which we must mention before we proceed to consider the condition of the children. From the enquiries we have made, it seems that there is scarcely an exception, at least among the metropolitan workhouses, to the practice of the Protestant chaplain reading prayers in the sick wards from which sick Catholics are unable to absent themselves. We wonder how a single Protestant, in a room full of Catholics, would like hearing the Litany of Loretto read aloud by a priest.

We now turn to the state of the children, and hard as the spiritual lot of the adult inmate is, that of the child is ten thousand times worse. The present administration of the Poor-Law may be fairly characterized as a system on a very large scale for changing the religion of the children of the Catholic poor, who come under its operation. Thousands are thus lost to the Church and to the religion of their fathers. In fact, we would ask, what child was ever known to have been through one of these workhouse or district schools, in which the priest's visit is limited to an hour or two in the week, entering it when under seven years of age, and leaving it on being apprenticed, or on ceasing to be a burden to the rates, and to have come out a Catholic? Has *one* such case ever happened? We sincerely confess that we doubt it. It is the general lamentation of the clergy who attend workhouses, where every facility is given under the present system, that the children fall away when they come out of the workhouse.

What, then, must be expected when no facilities whatever are afforded; where, as in the metropolis, an hour in the week, or even less, are all that are at the priest's disposal to counteract the whole tone of the life the child leads and of the education it receives? In these London workhouses, there have been some cases where the Guardians have refused to compel children, though they were very young, to attend the priest's instructions against their will: others, in which the clergy have withdrawn their application in consequence of the commotion that was created by their asking for an unwilling child: others, again, where the priest has had to fulfil the most painful duty of instructing in the Catholic religion a sullen child that refuses to speak or to learn any thing whatsoever. The fault in all these cases rests on a system that in reality brings a child up as a Protestant, and yet pretends to fulfil the parent's request that it may be taught the Catholic religion.

One great difficulty that we encounter in treating the subject of Workhouses is, that the practice throughout the kingdom varies so very materially, great liberality sometimes prevailing, while elsewhere the strict enactment of the law scarcely has effect. We will first turn our attention to the instances of comparative liberality: we only wish that they were more frequent. The Clerical Committee in London, have put before us, in their publication called "*The Workhouse Papers*," a case which we trust is already widely known, but to which we are glad to give an increased circulation. It will soon be seen that the liberality with which the regulations of the Kirkdale Industrial Schools are drawn up, is such as to put to shame the narrow bigotry of the Metropolitan Boards. That all is there done that we have a right to ask, or that is required by consistency with the principle that animates what has been already done, we cannot say. A priest in such a position and with such duties, ought to be treated precisely as the Protestant chaplain is treated. Why should he not be a chaplain also, with the same official position in the house and in the schoolroom? If it is not preferred by the Catholic authorities that these children should hear mass on Sundays in the nearest Catholic Church, as may very probably be the case, a convenient arrangement ought to be made for the celebration of mass in the house. And a very different proportion ought to prevail in the number of Catholic teachers in the school.

Why should not a Catholic boy be eligible to a vacant pupil teachership because there are two Catholic pupil teachers already? In this there should be no distinction of religion. The fittest ought to be chosen, whether Catholic or Protestant. And so too, why must the master and mistress, and assistant masters and mistresses, be all Protestants?

These questions are all asked, however, on the supposition that the present system is still to continue. That it is a very bad one, and proves itself to be an evil tree by its evil fruits, the following account clearly shows.

"The amount of religious liberty bestowed upon the Catholic children who are educated in the Workhouse Industrial Schools at Kirkdale, in the neighbourhood of Liverpool, presents a striking contrast to similar establishments in and near the metropolis. These schools contain the children from the Liverpool Parish Workhouse, Brownlow Hill, where on admission their religion is duly registered. At the end of each month a list of the names of all Catholic children received at Kirkdale is furnished to the priest, who has access to the whole number in the school assembled in the dining hall for prayers and instruction on Sundays from 3 to 4 P.M., and on Wednesdays from 6½ to 7½ P.M. By a resolution of the School Committee of the Select Vestry, two pupil teachers among the boys and the same number among the girls are to be Catholics; and on every week-day morning the priest superintends the teaching of the Catechism by these pupil teachers assisted by a staff of monitors, to the Catholic boys and girls in their respective School-rooms, or he instructs them himself, as he thinks best. On Saturdays, between the dinner and supper hour, the children whose confessions are to be heard, assemble for that purpose in a class-room in the boys' and also on the girls' side of the house. The Catholic children can hear mass every Sunday, weather permitting, being conducted for that purpose to the nearest Catholic Church. They can also hear mass on Christmas-day, Ascension-day and Good Friday. They are not required or permitted to attend any Protestant prayers or instruction, nor is the chaplain of the Workhouse allowed to speak to them on the subject of religion. The priest may give them religious books, pictures and rosaries: he has access to them, at his discretion, when they are ill: and every month a list is given to him of the children who have been sent out to service, or are apprenticed, and of the parties who have engaged them.

"Who that was conversant only with the state of the Metropolitan Workhouses and District Schools would conjecture that this is an account of a Workhouse school under the same Poor-Law with ourselves? The existence of such regulations is a convincing proof

that they are quite consistent with the good order and discipline of the house, and in that case there can be no pretext for withholding them from the Catholic inmates of the London Workhouses. It is a sincere pleasure to us to publish them ; but having done so, we are bound to say that we have not yet told all ; there is, unhappily, another side of the picture ; and the Kirkdale Schools are the most convincing proof that even when every facility is afforded for separate religious instruction, the faith of the children is tampered with by the system of education that is adopted.

"The Rev. Henry Gibson assures us that very many children have apostatized, not while in the schools, but after going out to place with parties who are not Catholics, that 'these lamentable falls are of constant occurrence, and he does not doubt that we hereby lose a great proportion of our children.' He gives an appalling proof of this assertion : 'Between April 13th and May 31st, sixty Catholic children went out of the Schools to various situations. About forty of them have gone to Protestant and Dissenting families. Of these I know of ten children actually perverted without any hope of recovery, and when I am able to ascertain the fate of the others, I have no doubt that number will be doubled and even trebled.'

"The cause of this is sufficiently plain. Though these Schools contain 600 children, of which number one half are Catholics, the education is not only not Catholic education ; it is not even mixed education, claiming to be impartial, from which all religious teaching is professedly excluded ; the education that these Catholic children receive is, excepting the Catechetical instruction, simply and avowedly, Protestant. The master, assistant master, mistress, assistant mistresses and a numerous staff of pupil teachers, are, with the exception of the four pupil teachers we have already mentioned, all Protestants. The whole of the education is placed under the superintendence of the Protestant chaplain : and the nature of that education will be made sufficiently clear by the subjoined correspondence. It is not difficult to conceive what must be the effect upon a child's mind of teaching it at one time of the day to regard as a sacred truth, what at another hour it is taught to look upon as false and ridiculous.

"On the 28th of January, 1860, the Rev. H. Gibson appealed to the Poor-Law Board against a resolution of the Managing Committee of the Select Vestry, confirmed at a general meeting of the Local Board. The object of the appeal was to obtain from the Poor-Law Board the rejection of the English History in use in the School. We quote the words of the letter :

" 'A very slight inspection of this book (which is published by the Society for Promoting Christian Knowledge) will be sufficient to shew that it is written in a manner extremely offensive to the Catholic reader, and that the use of it as a book of instruction for Catholic children is highly objectionable. Indeed a principal object

of the book, from beginning to end, appears to be to vilify and asperse the Catholic religion. For this purpose Catholics are represented as holding doctrines which they abhor and repudiate, while Catholic practices are never mentioned but with some term of reproach. In proof of this I may refer to pages 13, 15, 50, 57, 81, 84, 85, 88, 100, 111, 114, and many other passages too numerous to mention, but which are marked on the margin of the copy which I have the honour to transmit to you. From these passages you will see what a mere mockery it becomes for me to attempt to instruct the Catholic children in their faith, when the very next hour, perhaps, in their history lesson, they hear that faith branded as full of corruption, error, idolatry and superstition. And it must further be borne in mind that this book is put into the hands of Protestant instructors to explain and comment upon.

"It may perhaps be objected that no Protestant History of England can be found which does not offend the feelings and belief of Catholics. In proof that this is not necessarily the case, I may be permitted to refer to Corner's English History (which has already passed through twenty-nine editions), Ince's Outlines, &c. Besides, common justice requires that in the promiscuous education of Catholic and Protestant children, the *least* objectionable work should be chosen, and not one which seems written principally for the purpose of calumniating the Catholic religion."

"On the 9th of February, the Poor-Law Board acknowledged this letter, and on the 11th of April, Mr. Gibson, having received no further communication, wrote again to call the attention of the Board to his letter of the 28th January. On the 19th of April the Poor-Law Board reply that they had at once communicated with the Select Vestry of Liverpool, and that they had received a copy of a resolution passed by the Industrial Schools Committee, on the 4th of February, and adopted by the Select Vestry on the 21st. The resolution was as follows :

"Resolved, that the Committee having taken into their consideration the letter of the Poor-Law Board, containing the complaint of the Rev. H. Gibson against the History of England in use in the Schools, and having deliberately considered the question, can see no reason for discontinuing any History published by the Society for Promoting Christian Knowledge."

"To Mr. Gibson's remonstrance that his object in appealing to the highest Board of reference on Poor-Law questions was to obtain from them redress of a grievance which he had failed to obtain from the local authority, the Poor-Law Board, under date of the 26th of April, 1860, answered him that,

"Though the Board regret that any book should be in general use in the Kirkdale Schools, of which, acting in behalf of a section of the children in the Schools, you disapprove, still, as the Select Vestry of the parish of Liverpool have authority, under the regulations for the management of the School, to prescribe what books

shall be used and read, the Board do not think that any advantage would, at present, result from their again addressing them on the subject which you have brought under the notice of the Board.'

"We now proceed to place before the reader as many specimens as our space will permit, of a book from which 300 Catholic children in the Kirkdale Schools are taught. Can we wonder that children so taught do not persevere in the Catholic Faith?

"The corrupt doctrine that was now beginning to prevail in the Church of Rome on the subject of the Lord's supper' (p. 14). 'Worshipping of images was now gaining ground. Attempts had been already made to enforce celibacy on the clergy' (p. 15). 'One of the perverse practices which was remedied at the Reformation, the withholding the cup from the laity in the administration of the Holy Communion, may be traced to this period' (p. 50). 'Corruptions which the Church of Rome had engrafted upon the Scriptures' (p. 57). 'It is because our Church is obliged to continue in a state of protestation against the errors of Rome, that she is sometimes called Protestant. But she is something more than this, unwilling as the Romanists are to admit her claim. She is a true branch of the Holy Catholic Church, of which the Creed speaks, though she be not in communion with the Church of Rome' (p. 81). Henry VIII. 'insisted to the last on retaining the Romish expression of the doctrine' of the Holy Eucharist. 'The task of restoring the cup to the laity, and preparing men's minds for an intelligent reception of the blessing conveyed in that sacrament, was reserved for the purer hands of his successor' (p. 85). 'The comparatively modern corruptions of Romanism were removed. The principal of these were, the practice of praying in an unknown tongue; the withholding the Bible from general use; the enforced celibacy of the clergy; the doctrine called transubstantiation, which we have already explained; the denial of the cup to the laity; the undue honour paid to the saints and images; the worship paid to the Virgin Mary; the doctrine of purgatory, and the notion connected with it, that remission can be purchased from the Pope in favour of ourselves or others' (p. 88). 'The Romanists in England seem at first to have acquiesced in the reforms which Elizabeth had brought in. They might well have been unsettled by the decrees of the Council of Trent, which pretended to be an Œcumenical Council' (p. 100). The gunpowder 'plot must ever be classed with the massacre of St. Bartholomew, and the cruelties of the Inquisition in Spain, as instances of the baleful effects produced by that false zeal in religion, which the Church of Rome has so much encouraged' (p. 111.) 'Released from the shackles of the Romish superstition.' (p. 114)."—*Workhouse Papers*, pp. 21-24.

We do not think it possible that one word of defence can be offered for this state of things. People have been found to maintain that children may unite for secular in-

struction who have to separate for catechism, and that such secular instruction may be good of its kind and not interfere in any way with the religious faith of the child. We do not believe it in the least; but we cannot think that those who do would defend the Workhouse system. And although the Protestant chaplain is forbidden to speak to the Catholic children on religion, he not only may, but must,* examine them in their proficiency in history so taught. In such a case as this the Protestant schoolmaster not only may, but must, teach them that their religion is false and ridiculous, unless he would, contrary to his own religious convictions, deny the assertions and gainsay the judgments of the book they are bound to study. Mr. Gibson's request that a less objectionable book, though still a Protestant one, should be substituted for that now in use, is moderation itself; and the refusal of the authorities, as well as the reason they assign of their perfect confidence in the S. P. C. K., show us that the thoroughly Protestant character of the education given is understood and avowed. Now is not this iniquitous? What amount of religious instruction can possibly counteract such influences? We learn from the number of the "Workhouse Papers" we have been quoting, that as soon as the children who have gone through this training, are exposed to the temptations against their faith which must necessarily exist when Catholic children are sent into Protestant situations or apprenticed to Protestant masters, they almost invariably leave their religion. We should doubt very much whether they ever get another instead of it. The natural result of being taught at different hours of the day that the same things are true and false, must surely be to sweep all religion from the mind, and to plunge it into hopeless infidelity.

If a Board that in many respects has made such liberal

* "The following shall be the duties of the Chaplain. No. 2. To examine the children, and to catechize such as belong to the Church of England, at least once in every month, and to make a record of the same and state the dates of his attendance, the general progress and condition of the children, and the moral and religious state of the inmates generally, in a book termed the Chaplain's Report."—*Consol. Order, Art. 211*. "This applies to the general as well as to the religious examination of the workhouse children."—(53 *Off. Cir.*) *Glen*, p. 157.

arrangements, as certainly the Liverpool Select Vestry has done at Kirkdale, can rest so satisfied while, under their sanction and orders, 300 Catholic children receive a Protestant education, we cannot believe that in any one Workhouse School in the whole country, any distinction is made in their school work between the Protestant and the Catholic children. In all Protestant books are studied, and in all they are expounded by Protestant teachers who are not even warned that the faith of a Catholic child is to be respected. And if the results are found to be so hurtful in an instance where, in other respects, the children are recognized as Catholics and really treated as such, we cannot expect from the Metropolitan system anything short of the entire loss of every child who is subjected to it for a sufficient time. By the Metropolitan system, we do not mean the startling case of a school of 422 children, those of the Parish of St. Mary's Lambeth at Norwood, or the still more startling case of the South Metropolitan District School of 796 children, of whom *not one* is acknowledged to be a Catholic or ever sees a priest; *of course* all the Catholics that there are amongst them will, before they come out, have learnt to abhor the religion that they ought to profess. But we will ask what chance have the five children whom the priest is permitted to see between nine and ten on Tuesdays and Thursdays, of preserving their religion, when there are 887 other children with whom they are brought up as Protestants in all other respects, in the Central London District School at Hanwell? Nor is there more hope for the four children who see the priest from two to four on Saturday, their half holiday, at the North Surrey District School at Anerley, containing, as that school does, 608 children. Nor, to give a specimen of a Workhouse School, can the prospect be much brighter of the perseverance in the faith of the seven confessedly Catholic children among 500 others in the Forest Lane Schools of the Whitechapel Union. These few children in the midst of many may be, and doubtless are, exempted from attendance at the Protestant catechism; but their education is precisely that which the others receive, and that is education on Protestant principles. What is called impartial education, that is, godless education, or that which is conducted without any religious principles, is happily not popular in England; but we

cannot understand why the children of the Catholic poor should be brought up as if they were not Catholics at all.

Perhaps, however, we shall be told that the evil is confessedly great but that it is inevitable. Such an answer we should account a very encouraging one, for it would imply that if a remedy were pointed out, it would if practicable be adopted. The course proposed by the deputation to Mr. Villiers is a very simple and practicable one, the only one that would be effectual, and yet completely remedying the grievance complained of; it is that all Catholic children should be sent from Workhouse and District Schools to some Catholic establishment, and that the same sum should be paid for them out of the rates that they now cost to their respective unions or parishes. The precedent of the extension to Catholics of a share of the Parliamentary Grant for Education distributed by the Committee of Privy Council, proves that the necessary details of the plan are perfectly capable of arrangement. And the principle on which our demand is founded has already been acknowledged by the Industrial Schools Act,* which provides that the "Guardians may, if they deem proper, with consent of the Poor-Law Board, contract with the managers of any certified Industrial School for the maintenance and education of any pauper child." A powerful Protestant Society, of which the Right Hon. W. Cowper is the president, has issued a Report,† in which they state that they propose to apply to the legislature to enable them to take young women from Workhouses into "Industrial Homes," their respective unions to contribute the cost of their maintenance in the workhouse, and the society undertaking to supply the other expenses. All that such a society will require to enable it to carry out its benevolent intention, is such a permissive power to Boards of Guardians as the Industrial Schools Act confers upon them with regard to children. But we wish to urge strongly upon all who are interested in the matter, that to put us on an equal footing with Protestants in our dealings with Boards of Guardians, it is absolutely essential that what

* 20 and 21 Vict. cap. 48. sec. 21.

† Report of the Workhouse Visiting Society, upon the proposed Industrial Home for young women, and the Correspondence with the Poor-Law Board. London: Longmans, 1860.

may be permissive only with them, should be obligatory in our case. We have known so many instances in which guardians have exacted conditions from Catholics before they would give up children to them, and thus so far relieve the rate, such as demanding bonds that they should never again become chargeable, which in similar cases they have not required of Protestants, that we are sure that a mere legislative permission, which would do all that an influential Protestant society can wish, would be but a partial remedy for our evils.

If, then, the power conferred by the Industrial Schools Act were converted into an obligation, a remedy would be efficiently provided, as well for the case of towns like Liverpool, where the Catholic poor children are very numerous, and where the requisite buildings could be easily provided, as for a single Catholic child when left in some country union, which child, but for such an arrangement, would lose its religion. Such a system would put an end to a vast number of the complaints that the clergy have constantly to make against local Boards of Guardians; and while the burdens of the rates would be in no way increased, Catholics would be perfectly satisfied by the introduction of true fairness and religious equality into that Poor-Law practice which is at present all but destitute of such attributes. We have the fullest confidence that if such a change were made in the law, we should find in the Catholic body such zeal for souls, and such a sense of the importance of the emergency, that the necessary funds would be soon found.

That such an arrangement would be a singular boon to Catholic pauper children, whatever amount of access to them the clergy may at present have, is very plain; but there is one class of them in particular, whose position calls for it most urgently. We allude to children who are inmates of workhouse or district schools which are at some distance from the residence of a Catholic priest. In their case there is not even the little check upon their being brought up as Protestants, which is provided by the visits few and short of a priest. They have nothing even to remind them that they ever were Catholics. For instance, at this moment four children of the name of McDermot, and another called Watkins, whose parents are inmates of Bermondsey union, and in whose behalf application has been made to the guardians by the parents, are being brought up as

Protestants. The chairman of the Board of Guardians told McDermot, the father, that they had no objection to his children being brought up as Catholics, but that they would not go to any expense on that account. On hearing this, the Rev. W. Stone wrote to say that if the Board would pay to some Catholic institution the same sum that the children now cost the rates, he would undertake to bear all other expenses entailed by their removal. The reply was that the Board had not the power to entertain his application. The question was not even asked by them, before their summary rejection of the case, whether it was proposed to send the children to a School certified under the Industrial Schools Act. We must say that we cannot conceive that anything could possibly be found more conclusive as to the necessity of the alteration of the law which we have been advocating. It must also be remembered that any limitations as to the distance of the Catholic orphanages to which pauper children may be sent will so far injure the effect of such a concession, and will proportionately fall short of the requirements of the case. There is no reason why children should not be sent any distance, provided a limit is put to the expense for travelling that the parish or union may be called upon to bear; for no such restriction has been placed upon our reformatories or industrial schools, and inspection by one of the Queen's inspectors will abundantly provide for the fitness of the establishment without the necessity of personal visits on the part of the guardians of the poor, for which alone actual neighbourhood can be required.

The deputation to Mr. Villiers proceed to propose that "in default of such schools, Roman Catholic children should be caused to attend some Roman Catholic day school within a reasonable distance." In proposing this the deputation were not suggesting anything unknown to the English poor law. In the Report for 1860, the children of twenty-five unions are returned as attending national schools, and those of seven others either attend the village school or particular schools that are named. If guardians are not required to send their children above a certain distance, which we hope sincerely will not be the case, then some such provision as this will be absolutely necessary.

It seems to us that this is the place to advert to an Act of Parliament which might have a very great effect for good, but which seems to have been very much overlooked. We

neglected." And after directing attention to the discretionary power of the guardians in the choice of the day school, the Board says: "They must remember, however, that while they have to approve of the school where the pauper's child is to receive education, they are not required to select any particular school for any child, or to enforce any particular kind of education. Hence, it is most essential that they should avoid every act which might be construed to evince a desire on their part to use this authority as a means of interference with the dictates of the religious tenets of the poor person to whom this relief is to be applied, or of giving any undue preference to any particular school over others." This allowance is not to be deducted from ordinary relief. "The attention of the guardians will be more imperatively required than in ordinary cases," when orphans are living with relatives or friends. The guardians may pay the master, or managers of the day school, instead of the parents; and they "must require to be satisfied of the due attendance of the child at the school." Such are the important provisions of this Act, and we are sure that if the poor were made aware of them, they would avail themselves of them largely. We attribute the very partial efficiency of this law to the fact that it is so little known.

We now beg our reader's attention to a portion of our subject of overwhelming importance, in which a change of the law is of the most imperative necessity. When we spoke a few moments since of five children being visited by the priest at Hanwell, where there are 887 other children who are professedly brought up as Protestants, and four Catholics at Anerley, amongst 608, not to mention the worse cases of the Norwood school belonging to St. Mary's Lambeth, and the South Metropolitan District School, of whom not one ever sees a priest, our readers must have all wondered how there came to be so few amongst so many. We will give them a wider insight into the proportions in some of the London workhouse and district schools, premising that we have derived our knowledge of the whole number of children in these schools from the "Twelfth Report of the Poor-Law Board, 1859-60," issued about a month ago, and of the number who are under instruction, from personal inquiry of the clergy, to whom is confided the charge of teaching the Catholic children their catechism.

There are three Metropolitan district schools, the Central London at Hanwell, the North Surrey at Anerley or Penge, and the South Metropolitan at Sutton, all in the suburbs of London. The others here mentioned are workhouse schools.

Central London has altogether	892 children, of whom	5 receive instruction in the Catholic religion.
North Surrey, ..	608	.. .. 4
South Metropolitan ..	796	.. .. 0
In the three Metropolitan		
District Schools are	2296	.. .. 9, or one child in 255.

Shoreditch, St. Leonard's (at Brentwood) ..	169	.. .. 5
Whitechapel (at Forest Lane) ..	506	.. .. 7
Holborn ..	128	.. .. 12
St. George's in the East (at Plashet) ..	286	.. .. 11
Stepney (at Linchouse) ..	437	.. .. 5
St. Mary's, Lambeth, (at Norwood) ..	422	.. .. 0
In these six workhouse		
Schools are ..	1948 children, of whom	40 receive instruction in the Catholic religion, or one in 48.
Making a total number of	4,244 children, of whom	49 receive instruction in the Catholic religion, or nearly one in 90.

The Poor-Law Report tells us that there are, in all, 6,268 children in the district and workhouse schools of the metropolis. We have not extended our inquiries so far as to have ascertained precisely how many are receiving instruction in the Catholic religion, but we should certainly overstate the case if we were to say that there are one hundred in the whole metropolitan district. We have given the precise numbers in schools numbering more than two-thirds of the whole, and these we have not selected because they are the worst cases. On the contrary, Holborn is the best we know in London. Now, can any man believe that out of 6,268 children, taken from the poorest classes in London, only 100 are Catholics, or one in sixty-two? And if it be conceded on all hands that it is improbable in so high a degree that one may almost call it impossible, that of these 6,268, none besides the one hundred are Catholics, we ask, how are we to find out the others who ought to be Catholics? and, how comes it that these children who ought to be Catholics, are being educated as Protestants?

To the first of these two questions we wish we could give an answer. Something of an answer we hope to receive when the Returns are made, for which Mr. Joseph Ewart, the member for Liverpool, moved on the third of April

last.* We should be glad if we could expect a full statement of the truth, but the data from which these returns will be made cannot furnish the full information we require. For even supposing the method of registering in the Indoor Relief List the religion of the pauper on his admission to the workhouse, to be in all cases satisfactory, the registration of the religion of orphans, and of deserted and illegitimate children is extremely imperfect, if not altogether wanting; so much so that we feel sure that if the Returns were to specify the children of these classes respectively, we should hardly find one who had been registered as a Catholic. The fact that the Poor-Law Board should have considered it necessary to issue an Order, in August last, to "remedy an omission in the letter" of the Act of Parliament, is sufficient evidence, we fear, that orphans have never been registered as Catholics. And after the opposition of certain boards of guardians, mentioned in the House of Commons by Mr. Villiers, and since the letter of the Poor-Law Board, (12th Report, p. 34), begging the guardians to "observe that the Order does not impose any compulsory obligation or duty upon them, that it is permissive in its form, and suggestive only of the adoption of this line of conduct," we have great reason to fear lest the

* "POOR-LAW DENOMINATIONAL RETURNS.—Mr. Joseph Ewart moved for a return of the number of persons belonging to the Church of England, and to the Roman Catholic and other religions respectively, in receipt of in-door relief on the first of January last, distinguishing the number of adults and of children under sixteen years of age; the number of workhouses and workhouse schools in which Roman Catholics had liberty to attend their own worship; the number in which Roman Catholic priests are admitted for the religious instruction of the Roman Catholic inmates; the number in which Roman Catholic priests and visitors are proscribed, and the reasons; the number of cases in which the religious designation of children classed as Protestants has been altered on appeal, and also of children classed as Roman Catholics; the number of religious designations, investigated on application of relatives, or others entitled to apply for such investigation; and of investigations at the instance of Roman Catholic priests, and the number of complaints from Roman Catholic priests, which had proved to be unfounded.

"(The foregoing, except as regards the number of inmates, to be given for three years, ending Lady-day, 1860.)

"Agreed to."

issue of this Order should not have in any way amended the manner of registering the religion of orphans. However, this might be ascertained. Perhaps some member of parliament will move for a return of the number of parishes and unions which follow the directions of the August Order.

The importance of this consideration that provision has been made,—and that but a partial provision,—for the registration of the religion of *the legitimate children of inmates only*, is hardly, we think, appreciated; for few are aware of the proportion between the legitimate children of inmates and the other children in workhouses. Unfortunately the Report of the first of January, 1860, which is the day respecting which Mr. Ewart's returns will be made, which now lies before us,* does not distinguish between the various classes of infant poor. But the preceding Report† gives us exactly the information we require of the state of things in this particular on the first of January, 1859. The total numbers in the two Reports are very nearly the same, but the later Report gives its returns from a greater number of unions, so that the happy diminution of pauperism in the past year will not much affect the figures we have now to put before our readers.

CHILDREN		1859. In 629 Unions.	1860. In 645 Unions.	1859. In 30 Unions In Metropolitan District.	1860. In 38 Unions
Of able-bodied inmates,	{ Illegitimate .. Others ..	{ 7,306 8,107 }	{ 15,241 }	{ 508 1,524 }	{ 2,746 }
Of not able-bodied inmates,	{ Illegitimate .. Others ..	{ 1,050 2,275 }	{ 27,427 }	{ 192 473 }	{ 4,946 }
Orphans, or relieved without parents..		25,532		3,831	
Lunatics		308	321	33	42
Total In-door pauper children		44,578‡	42,989	6,561	7,734
In School		37,868	33,579	.....	.....
Infants, lunatics, &c. not at school,		6,710	9,410	.....	.....

		1859—In 629 Unions.	In 30 Metropolitan Unions.
Children of Inmates {	Illegitimate ..	8,356	700
	Others ..	10,382	1,997
Total children of inmates..		18,738	2,697
Orphans, or relieved without parents		25,532	3,831
Lunatics		308	33
Total In-door pauper children..		44,578	6,561

* Twelfth Report, p. 184.

† Eleventh Report, pp. 184, 196.

‡ This total is erroneously given in the Report as 44,608.

We see therefore that of the forty-three thousand children in 645 (out of a total of 748) unions and parishes, only about ten thousand are the legitimate children of inmates, about eight thousand are illegitimate children of inmates, and deducting the lunatics, about twenty-five* thousand have no parents to speak for them. The proportions between the legitimate and the illegitimate children of inmates are different in the metropolis, but the proportions between the children of inmates and those who have no parents in the workhouse, are much the same as those that prevail throughout the country. Thus of every one hundred children the proportions are nearly as follows:

	In 645 unions.	In 38 London unions.
Legitimate children of inmates	23	31
Illegitimate children of inmates	19	11
Orphans or relieved without parents	58	58

More than half of the children in workhouses and district schools are orphans, or are relieved without their parents, and of the remainder a very considerable number are illegitimate.

But seriously imperfect as our information must necessarily be of the number of Catholic children in workhouses, even when Mr. Ewart's returns are in our hands, on account of the defective character of the registration, which even the August Order, if compulsory, would only have partially remedied, we shall continue in a state of the profoundest ignorance as to the creed of the inmates of the district schools. Our own belief is that the religion of the child is not registered in these schools at all; we are unwilling to assert a negative, which is at all times proverbially difficult to prove, and is, of course, incapable of proof as to proceedings within workhouse walls that we are not permitted to enter, and where we have no right to ask a question; but this we know, that the orders of the Poor-Law Board on the 17th of March, 1847, and the 23rd of

* In July 1857 there were 26,566 orphans or other children relieved without parents.

„ Jan. 1858	„ „	27,523	„	„	„
„ July 1858	„ „	26,226	„	„	„

	At the latter date there were in 629 Unions :—	In every 100 children :—
Legitimate children of inmates	... 8,742	... about 21½
Illegitimate	... 7,160	... 17
Orphans, or relieved without parents	... 26,226	... 61½

August, 1859, respect workhouses only; and it is not to be expected that they should be observed in places to which they are not made applicable. A member of parliament would do good service here also if he would put the question whether there is any registration of the religion of children in district schools. It is a matter of no little moment when we remember that in the three metropolitan district schools there are no less than 2296 children.

And we must beg our reader's particular attention to the fact that of these two thousand three hundred children, *only nine* ever see a priest. The very best proportions of the London Workhouse Schools tell a tale of awful grievance, but in the District Schools the system of proselytism has reached its climax. At Holborn one child in ten receives instruction; in the six Workhouse Schools we have mentioned the proportion is one child in 48; in five of them (omitting Holborn) it is one in 65; but in these District Schools it is one child in 255. We have but to subjoin the names of the Unions and Parishes from which the children are sent to these District Schools, to enable any one who knows London to see that these children are collected from districts that are as thickly peopled with Irish poor as any portions of the Metropolis.

Central London: City of London, East London, St. Saviour's, West London, St. Martin-in-the-Fields. According to Census of 1851, Population 189,076. Children under instruction *five*.

South Metropolitan: Greenwich, St. Olave Southwark, Bermondsey, Camberwell, St. Mary Newington, St. Mary Rotherhithe. In 1851 Population 304,156. Children under instruction *none*.

North Surrey: Chelsea, Croydon, Kingston, Lewisham, Richmond, Wandsworth and Clapham. In 1851 Population 216,709. Children under Instruction *four*.

Total population in 1851 of these three Districts 709,941. Indoor pauper children receiving instruction in the Catholic religion *nine*. It would be idle to attempt to estimate how much the population has increased since 1851.

Without occupying the reader's time by attempting any calculation of the real number of Catholics in the Metropolis, as such estimates must be very uncertain, we proceed to the second of the two queries which these statistics respecting London pauper children suggest. How does it come to pass that so many children who ought to be Catholics are

treated as if they were, and are thus caused to become, Protestants? To answer this we must point out what are the present legal tests of religion in the case of pauper children, and we will try to show how badly they work.

We have already quoted that portion of the 19th sec. of 4th and 5th William IV. cap. 76, which relates to adults: we will now give the remainder of it which concerns children in workhouses and workhouse-schools. It enacts that no rules, &c., "shall authorize the education of any child in a workhouse in any religious creed other than that professed by the parents or surviving parent of such child, and to which such parents or parent shall object, or in the case of an orphan, to which the godfather or godmother of such orphan shall so object:" and it provides that it "shall and may be lawful for any licensed minister of the religious persuasion of any inmate of such workhouse, at all times in the day, on the request of such inmate, to visit such workhouse for the purpose of affording religious assistance to such inmate, and also for the purpose of instructing his child or children in the principles of their religion." To this last provision the 122nd Art. of the Consolidated Order has added: "And such religious assistance or instruction shall be strictly confined to inmates who are of the religious persuasion of such minister, and to the children of such inmates." We are afraid that if our reader attempts to draw from these words an idea of those for whom the law provides instruction in the Catholic faith, he will find himself sadly in need of an interpreter. And practice, which usually gives us the interpretation of the law, is in this case so various that it is no guide.

If the law had enacted that no child should be educated in any religious creed other than that professed by the parents or surviving parent of such child, and had gone on to provide for such child being duly visited by a "licensed minister of such religious persuasion" in order that it might be instructed in the principles of its religion, such an enactment would have been perfectly intelligible. But if it chose to give the parent, or in the case of an orphan, the sponsor, the power to object to the child being brought up in its parent's religion, this provision should not have been made in words that could by any possibility bear another meaning. Such, however, is the disgraceful carelessness with which even the most import-

ant clauses of Acts of Parliament are often drawn, that the wording of this 19th section has given rise to a practice which is directly opposite to that which, we are convinced, was the intention of the Legislature. Parliament intended, we cannot doubt, that the religion of the child should be that of the parent, unless the parent or sponsor objected; but the words of the Act are such, that many, if not most Boards of Guardians, assume it to be that the child shall be educated in the Established religion, unless the parent or sponsor objects. That this is a strained interpretation of the Act, we believe; and we even think and hope that if it were brought before a Court of Law it might be declared not to be the sense of the Act; but the insertion of the word *and* before the clause respecting objection has given rise to it. The Act says that the child shall not be educated in any other religion than that professed by the parents, *and* to which they or the sponsor shall object. Those who wish to interpret the Act against us say that two things are required to point out a child's religion; 1st, that it shall be that professed by the parent, and 2ndly, that the parent or sponsor shall object to its being brought up in any other; and that these two conditions must both be verified to entitle the child to the advantage of the law. But *the clause is negative*, so that the *and* is disjunctive, not cumulative. If you say that a child shall *not* be educated in any religion but that professed by its parents, you exclude all religions but one; and if you further declare that it shall *not* be brought up in any religion to which its parents object, you empower them to object to the religion they themselves profess, and to prevent their child from being educated in it; but you have by such an enactment simply ruled that in the latter case a child shall have no religion at all. This nonsense is, it must be confessed, the literal meaning of the words of the Act, and it is high time that they were altered. They do not say what our opponents would have them say; but neither do they say what we think Parliament intended to say: surely then they should be changed. And so little is required to render the clause at once intelligible and equitable. If, when this Poor Law Amendment Act, "in the fifth year of the reign of King William the Fourth," was passing through Committee, some Member of Parliament had suggested that for the sake of greater clearness the clause should run that every pauper child should be brought up in the

religion of its parents, "*unless the parents or sponsors should object,*" who can doubt that this change would have been adopted? If it had been, hundreds, not to say thousands, of children of Catholic parents would have been educated as Catholics, and the country would have been saved one of the most fearful and wholesale acts of injustice of modern times.

This, however, is not the only piece of carelessness in this most important 19th section. When the Act comes to speak of the admission into the workhouse of the "licensed minister," it only empowers him to afford religious assistance to *such inmate*, and to instruct *his child* or children. And, consistently with this, the Consolidated Order (art. 122) expressly confines the instruction to the *children of inmates*. But we have seen that *more than half* the children in workhouses are not the children of inmates, being deserted children or orphans; and as the law does not empower a "licensed minister" to visit them, in many unions such children are brought up as Protestants. This, however, is expressly against the former clause, which forbids the education of the child in any religion but that of its parents, without specifying that by parents it means only those parents who are inmates of workhouses. In fact, it clearly shows that it does not mean the children of inmates only, for it speaks expressly of orphans; and, therefore, the limitation of the permission to the "licensed minister" to instruct only the children of inmates is clearly the result of carelessness in drawing the Act; for whilst the first portion provides that the orphan shall be a Catholic, the second does not permit the priest to visit him.

What precise change of the law should be proposed is a matter that deserves the very gravest consideration. Mr. Russell, in his excellent pamphlet on this subject, proposes that all children should be registered as of the religion of the father, unless he direct otherwise; or if the father be dead, and have left no directions, then of the religion of the mother, unless she direct otherwise; or if the mother also be dead, and the father have left no directions, in that case that the child should be registered of the religion of the last surviving parent.

In the memorial of the Deputation of the 9th of March last, we have another test of a child's religion, which our readers have no doubt perused in the second number of the Workhouse Papers. It varies from Mr. Russell's in

the following particulars: "If the father shall have deserted the child, leaving it in charge of its mother, or if the child be illegitimate," its religion shall be that of its mother. If it be an orphan, and the father have left no directions, the memorial would give the godfather or godmother the power of determining its religion, and in default of any interference on the part of the sponsor, it lays down a rule the same as that of Mr. Russell, except that it includes the case of illegitimate children. The memorial goes on to say that an orphan of 14 years of age should be at liberty to choose its own religion, and that the parents may give directions, which must be observed. Perhaps a simpler amendment than either may suffice.

The Poor Law Board, in its August Order, professes that it is extending to orphans, whose sponsors "do not give information with regard to the religion of such orphan," the provisions of the Act of William IV., for other children. The Board, therefore, says nothing of any directions on the part of either parent for bringing up the children in a religion other than that professed by them, and it lays down that if the sponsors object, their objection shall be final; but the Order shows us the nature of the Board's interpretation of the Act of William IV., by directing the master of the workhouse to enter in the Indoor Relief List as the religious persuasion of an orphan under the age of 14 years, "the religious creed which was professed by the father of such orphan at the time of his death, if the master know or can ascertain the same by reasonable enquiry; or, if the same cannot be so ascertained, the creed professed by the mother of such orphan at the time of her death, if the same be known to the master, or can be by him in like manner ascertained."

Thus we are provided with an argument from a General Order of the Poor Law Board itself, that our interpretation of the 19th sec. of the Act of William IV. is correct. And in a letter to the Bishop of Southwark respecting children in the North Surrey District School, to which be it remembered the Order is not extended, the Poor Law Board say, under date February 17th, 1859, "If they are proved to be the children of Roman Catholic parents, the attendance of a Roman Catholic Priest upon them will at once be allowed." We take it, therefore, for granted, that the legislature intended a pauper child to be educated in the religion professed by its father, ascertained by reasonable enquiry, and, failing this knowledge,

in that professed by the mother, unless the parents should object, or in the case of orphans, unless the sponsors should object; and what we now ask is, that as the Act has practically, and that through the carelessness of its wording, received another and erroneous interpretation, it may be so far altered as to make it carry upon its very face the sense attached to it by the Poor Law Board. The Board call their Order supplemental to the Act, and intended to supply an omission: we must say that we can see no omission in the Act in this respect, for the words ordering that the child shall be brought up in the religion of its parents are as applicable to orphan children as to those whose parents are living, and this would be shown clearly enough if the clause continued, "*unless the parents, or in the case of an orphan, the godfather or godmother object.*"

This provision of the godfather or godmother being empowered to direct in what religion an orphan child shall be brought up is one of very great value. No one doubts that the father of a child might, if he chose, cause his child to be brought up in a religion different from his own, and in the case of a mixed marriage, this might very easily happen. It is only in the case of the issue of mixed marriages that the power conferred upon the sponsors could be of any use; for in all other cases if a godfather or godmother can be found, the religion of the parents must far more easily be ascertained, and the sponsors who are of the same religion with both parents would have no reason to interfere. But where the parents are of different religions there has probably been an agreement between them as to the religion in which the children are to be brought up, and that religion the sponsors are sure to profess; or at any rate the baptism of the child will be the best presumptive evidence, failing any explicit direction, of the will of the father as to the religion of the child, whether it be his own religion or not. For this reason we should be very sorry to see blotted out the clause empowering the sponsors to object to the child being brought up in the faith of its parents; and we consider it an infinitely preferable enactment to that in the District Schools Act, which gives this power to the "next of kin," or to those of the Industrial Schools Act, and the Reformatory Act, which give the authority in the case of an orphan to

"the guardian or nearest adult relative." To these, however, we must return when we have fully discussed the Workhouse Act, on which we have already dwelt so much.

If Parliament could be induced to alter the 19th sec., it should be asked not only to make the change we have suggested, and to add a proviso that an illegitimate child should be brought up in the religion of its mother, but also to modify the subsequent clause so that the "licensed minister" may be permitted to visit and instruct all those whom the Act has previously determined should be educated in the religion professed by him. No one can deny that the clause confining his visits to the *children of inmates* requires amendment. And the simplest form that this amendment could possibly take would be to provide in the Act of Parliament for the religious registration which is now carried out under the authority of the two General Orders of the Poor Law Board of March 17, 1847, and August 23, 1859. In the Industrial Schools Act there is this very provision, and the words there used might be proposed to Parliament for this case. "In every Industrial School a Book shall be kept by the Managers, to which access shall be had at all reasonable hours, in which the Religious Denomination of the child when admitted to the Industrial School shall be entered."* If this admirable clause were inserted in an Amendment of the 19th sec. of the Workhouse Act, it would be very simple and easy afterwards to enact that the "licensed minister of any religious persuasion may visit and instruct all who are registered as of that persuasion." It is most important that registration should be enjoined by Act of Parliament; for not only is the authority of the Order of August last set at nought by some, we know not how many, Boards of Guardians, but, as we have seen, there are many parishes and unions which are incorporated under Local Acts, to which the Orders of 1847 and 1859 do not apply. There is no reason why a provision for religious freedom should not extend to every parish and union in the kingdom; and nothing can be more anomalous than that St. Pancras or St. Marylebone should not be bound by regulations which are considered by the Poor Law Board of such importance

* 20 and 21 Vic. cap. 48, sec. 10.

to the religious welfare of the inmates of the large number of workhouses mentioned in the schedule of their Order. By this means, again, it will be at once extended to District Schools, for which, of all places, it is most needed.

If it were possible, it would be well that something should be done to obtain better arrangements for the priest's visit and instructions. It does not seem to require legislative interference; for the words of the Act of William, "at all times in the day," or of the Act of Victoria, "at all reasonable times of the day," are sufficiently ample, and their effect is not injured by the 122nd Article of the Consolidated Order, which says that it shall not be "so as to interfere with the good order and discipline of the other inmates of the workhouse;" but every one must feel that from nine to ten on Tuesdays and Thursdays, which is the time allowed at the Central London School, is inadequate; and that the instruction at the North Surrey School being given on the children's weekly half-holiday, between two and four, must not only be said to be inconvenient, but to bear the appearance of having been fixed at that time on purpose to give the children a distaste for their catechism. The Protestant children must receive instruction more frequently than this; and what becomes of the Catholic children at that time?

We have been obliged to point out the extreme carelessness with which a section of the Act of William IV., most vitally affecting us, has been drawn up. In turning now to the Act (7th and 8th Victoria, cap. 101.) which authorized the establishment of District Schools, we find a grave discrepancy which we can hardly believe was intentionally introduced. Its 43rd sec., after repeating the words which require the education of a child not to be in a religion other than that professed by the parents, and to which the parents may object, adds, "or, in the case of an orphan or *deserted child*, to which his *next of kin* may object." There can be no reason for giving any rule but the religion of the parents of a *deserted child* when it can be ascertained, and most certainly it can be ascertained when the *next of kin* is producible. And nothing could be worse legislation than to make one rule for the religion of orphans in Workhouses and another in District Schools. The present practice interprets these two Acts to mean that on an orphan child being sent to a workhouse, however well the parent's religion may be known to have been

Catholic, the child is to be brought up as a Protestant until the godfather or godmother objects; it is then to be educated as a Catholic: but this same child may be sent to a district school by consent of its guardian (7 and 8 Vict., cap. 101. secs. 40, 51.) and then it will again be educated as a Protestant until its next of kin objects, and then its religious instruction is to be once more changed and it is to be a Catholic once more. What *religion* would a child have whose *religious instruction* had thus varied? And yet, if the objection be required in order that the child may be brought up in the faith of its parents, (as practically it is required, whether such be the provision of the Act of Parliament or no,) then this bandying about of a child's soul is ordered by the law of England! We are not over sanguine in expecting that every one, without exception, will say with ourselves, Let the best manner of determining the religion of an orphan child be decided upon, and then let the same rule prevail in Workhouses and in District Schools. And why should not the same rule prevail in Reformatories and Industrial Schools also? The Acts 20 and 21 Victoria, cap. 55. sec. 6, and cap. 48, sec. 10, should be amended, and all four Acts* should be made to contain the same test of an orphan's religion.

That the parent should be called upon to "object" to his child being brought up in any religion other than his own—to turn now from the consideration of the letter of the Act of Parliament to the ordinary practice at least in the metropolis—is a grievance of a similar character to that which is inflicted on an adult by not granting him the assistance of the priest except upon his own "request." Registration in a certain religion should entitle the pauper, whether adult or infant, to the ministrations of a priest or minister of that religion. At present, the impression on the minds of the poor is very strong that they will be looked upon with an eye of disfavour if they act as Catholics, or demand that their children shall be brought up as Catholics; and the present law and practice

* We learn from Mr. Russell's pamphlet, (p. 30) that all the faults of the 19th sec. of our Act of William IV. exist also, and therefore require amendment, in the 29th sec. of the Irish Poor-Law, 1 and 2 Victoria, cap. 46.

promote an abominable hypocrisy, by inducing poor Catholics to sin against their consciences through human respect. It is to be feared that their impression of the effect produced by their avowal of religious consistency, has not been and is not unfounded. At any rate, while it prevails, it is absolutely necessary that the temptation should be taken away. Again, there are others who believe that if they demanded that their children should be brought up as Catholics, they would be sent back from the District School, and being conscious of the value of the education there given, they have been known, to their own future remorse and misery, in consequence of this false impression, to barter away their children's souls for their secular advantages. In behalf of such persons also, it is needful for justice sake, to make a rule that without further request on the part of the parent, all children shall be educated in the religion of which they are registered. The registration is under the parent's direction, and this should be enough.

This is the more necessary in consequence of the formalities required in some places in making this requisition. Guardians frequently require that the request shall be witnessed by the master or matron, and though this seems and perhaps is intended to be only a provision for the authenticity of the request, it has a result that approaches in some cases very near indeed to intimidation. In many cases masters and matrons are fair enough, and the inmate might not fear to make such a declaration before them; but there are also many workhouses in which this rule would be abundantly sufficient to prevent the parent, if timid, from making the request at all.

There is also another pressing reason for our asking that the registration should be at once followed as pointing out the religion of the child. If an objection or request be required, some little time may pass before it is made in due form. *During this interval the child receives instruction in the Protestant religion*, and is treated as a Protestant. It was taught as a Catholic before it entered the workhouse, it is so taught again when the request has been made; and surely there is no one who would not acknowledge that an interval of contradictory religious teaching must be seriously injurious. This is not the way to make a child a member of the Church of England, but it is the very way to make it an infidel; and it can only be

defended by those who would prefer to see it an infidel rather than a Papist.

We are not writing of evident and flagrant breaches of the law, such as a case we know in which the request of a mother to have her children brought up Catholics was not granted because she had not produced an order to that effect from her husband (himself a Catholic) who was in Australia. The case to which we here allude is in this state at the present day, the Catholic father in Australia, —the Catholic mother and her children in the workhouse, and the latter brought up Protestants in spite of the mother's wish,—the name of the family is Power, and that of the union, to its shame be it spoken, is Stepney. We do not wish to speak of evidently illegal and tyrannical acts such as this, but of the evils that arise from the operation of the law as it is too commonly interpreted. The two last numbers of the *Workhouse Papers* furnish us with apposite instances of injustice of this description. The District Schools Act empowers the next of kin to interfere in behalf of the religion of deserted children and orphans. The case of the M'Carthy's shows what difficulties can be thrown in a poor woman's way to prevent her doing her duty by her brother's children, apparently for no other reason than that she is a poor woman, and therefore probably helpless and friendless; for few things could be more amusing than the expedition with which the authorities of the North Surrey District Schools discover the validity of Mrs. Gorman's claim, when it is pointed out to them in a lawyer's letter.

The story of the Coles, related in the "*Workhouse Paper*" for July, excites within us feelings of far deeper indignation. The father and mother were Catholics, the latter, when on her death-bed, expressed her wish that her children might be educated as Catholics,—to this request, in writing, she set her mark; on another occasion she repeated it before two of her friends, who can now be referred to as witnesses; a correspondence has been carried on with the Board of Guardians of the Union,—Stepney, again,—and with the Poor-Law Board ever since last January twelvemonths. Mr. Farnall, the Poor-Law Inspector, has remonstrated, the Poor-Law Board issued their August Order—all in vain: these children now, as all this while they have been, are being taught the Protestant religion. If, ultimately, right should prevail over

might, who will say that James Cole, a boy now nine years of age, will ever lose the religious impressions thus iniquitously stamped into his mind?

This last is a case in which, at least as far as one child is concerned, the godfather and godmother were inaccessible. But in the instances in which they can be found, look what this interpretation of the law entails! There are some unions in which the *personal attendance* of the sponsors is required. Nothing could easily be devised better calculated to promote the end in view, if that end is that the children of deceased Catholic parents should be educated as Protestants. These poor people, for the sponsors of poor peoples' children are generally themselves poor, are required to leave their work for an hour or two, and sometimes for more, for Boards of Guardians are not over particular about keeping poor people waiting; and this is exactly equivalent to fining them that sum of money which they could have earned as wages during the time thus occupied. Then there is probably nothing that people of this class hate with a more cordial hatred than having to appear before, and be examined and questioned by, these Boards. They are poor Irish, and they know that they are not looked upon with much favour by English guardians, especially when they have in hand a work that they are aware is distasteful. Any one who is the least conversant with the feelings of an Irish labourer, will know what all this will cost him; and if it be a poor woman who is godmother, the effort will be not less severe. And all this is to be borne for *another man's child*. Is not this trying the fervour of their own zeal for religion to the very utmost, and is it not relying on the frailty of human nature that so, by dereliction of a duty rendered as irksome as possible, the child of Catholics may be made a Protestant?

Lest we should seem to be drawing on our imagination for a way in which the existing law, as vulgarly interpreted, may become an excessive hardship, we will transcribe for our reader's benefit a portion of a letter from the Stepney Board—this same Stepney Board—to the Rev. Bernard Fallon.

After acknowledging the receipt of two written applications from sponsors, the clerk of the Stepney Union writes under date of 21st May, 1859:—

"And I am to inform you that as the Board require the personal attendance of the godfathers and godmothers who object to the instruction of children in the Limehouse Establishment, in the Established Religion, they are anxious to save you the trouble of making such written applications in future."

There can be, of course, no difference between the manner in which the parents or sponsors, respectively are to make application that the priest may visit and instruct children. As far as the parents are concerned, the Poor-Law Board have expressed their opinion very clearly, and hence we may deduce what they would say if this proceeding were to be brought before them; but a Board of Guardians which, like Stepney, has disregarded the General Order of August last, is not at all likely to be overawed by a letter of the same authority addressed to other parties. But as this letter may be of some weight in the eyes of other Boards, we think that we may be doing good service in placing it on record in this place. It is addressed to J. T. Rowsell, Esq., Clerk to the Board of Management of the Central London District School, under date of 23 July, 1853.

"The Board direct me to state to the Managers of the District School, that it appears to them inconsistent with the provisions of the 43rd section of the 7th and 8th Vict. c. 101, to refuse admission, at any reasonable time of the day, to a Roman Catholic Priest, whom the parents of any child have requested to visit such child for the purpose of affording to it religious instruction, provided that a written request by the parents be produced to the managers or to the superintendent of the school, and that there be no reasonable ground for doubting that it expresses the wish of the parents that the child should receive religious instruction accordingly. Upon the facts of the present case, as stated by Mr. Rayner, the Board are of opinion, so far as they are at present informed, that the circumstance that the request of the parents was addressed, not to the managers, but to the Roman Catholic Priest himself, by whom it has been produced to the superintendent, cannot be deemed to take the case out of the operation of this general principle; and they think therefore that if the managers be satisfied that it is the parent's wish, no impediment should be offered to the religious instruction, at reasonable times, of the children in question by the Roman Catholic priest."

We are glad of this opportunity to be able to speak of the Poor-Law Board as it deserves. Whichever political party be in power, we have no fear but that a case carried

on appeal to the Poor-Law Board, will be judged with fairness and equity. The only fault that we have to find is, that they are too timid in enforcing their own judgments upon unwilling Boards of Guardians. Whether this is owing to a want of sufficient jurisdictional power, or what its cause may be, we cannot say; but so it is, and we suffer seriously from it. What comfort is it in the Coles' case to feel that the Poor-Law Board is of opinion that the Stepney Union is acting unjustly? What consolation is it to Mr. Gibson, whose 300 children are taught in their history lesson, to hate the Church, that the Poor-Law Board "regret" such a state of things? What use was it to Mrs. Gorman to receive a letter from the Poor-Law Board, enclosing "for her information," a resolution of the Chelsea Guardians who had so long treated her, and the children entrusted to her, with contempt? What must we all feel to see the Order of August become a dead letter, when the very existence of the Order is an acknowledgment on the part of the Poor-Law Board that we have a serious grievance that needs redress? We are quite willing, as the Board asks us to do in its letter to Mr. Langdale of the 21st of April, to regard that Order as a proof that "the Board are most desirous upon all occasions to give practical effect to the provisions of the section which is intended to secure religious freedom and independence to the inmates of all Workhouses;" but how comes it that all this good will is so very inefficacious? Their last Report, now before us, gives an amusing proof of their willingness in our behalf, for while in the year 1859, they issued 1,450 other Orders of which they despatched altogether 21,432 copies, of the August Order alone they sent out no less than 17,273 copies, or nearly as many as all the other orders put together. And now Mr. Villiers tells us in the House of Commons, that doubts have arisen as to its legality. Counsel's opinion has been taken on the subject; why does not this opinion appear in the appendix of the last Report? Is it possible that powers so ample as theirs, which to the unlearned reader seem limited only in the matter of administration of relief in individual cases, are yet not ample enough to empower them legally to make this Order? If it be so, let Parliament at once take the matter in hand, and either give us what the Poor-Law Board have thus publicly acknowledged they consider

most fair and just, or let the powers of the Poor-Law Board be enlarged so as to enable them to do us justice. Mr. Villiers must excuse us if we do him any wrong; but we are obliged to confess that in his reply to Mr. Kinnaird, his attempt to throw the responsibility of the Order on his predecessors in office, looked as if he were withdrawing the obligatory character of the Order, not through any doubt of its legality, but from intimidation. How comes it that in writing to Mr. Langdale the Order is a subject of boast and self-gratulation; while in reply to Mr. Kinnaird, its authorship is disclaimed? We cannot help remembering that the Hon. Arthur Kinnaird, M. P., is the Treasurer of the Protestant Alliance, and that that body have proclaimed a crusade against the Order. The following paragraph is extracted from one of their circulars.

"The Committee have also prosecuted most actively the opposition to the New Order of the Poor-Law Board for the religious instruction of orphan children in workhouses. It is *apparently* based on the most liberal principles, but it is in reality destructive to religious freedom, and would, if continued, be productive of serious evil. This attempt, however, was only the preliminary move to procure the appointment of Romish priests as chaplains to the parish unions, 'endowed with all the rights and facilities in respect of Roman Catholics which the Protestant chaplain is endowed with.' But from the decided and persistent opposition offered by the Guardians, who have been informed through the Alliance of the bearing of the case, the obnoxious Order will, it is hoped, be cancelled by the Government."

While we see and are glad to acknowledge that the Poor-Law Board judges us fairly, and would not strain the words of an Act of Parliament against us as the Local Boards too often do, we cannot help also feeling and bitterly lamenting the weakness of the Central Board. Whether it be really a want of authority, and that another Act of Parliament is wanted to express their powers in if possible more ample words, or whether it be fear of their turbulent subjects, the guardians, we are not sufficiently in their confidence to be able to pronounce.

We have now given our readers some insight into the causes of the startling fact that, in London, of the two thousand three hundred children in the District Schools, only nine children are instructed in the Catholic religion; and that of the whole number of 6,268 pauper school children, not 100 are taught their catechism by a priest.

The trouble that the clergy have had to go through in order to obtain access to this small number, has been very great indeed. And when they have succeeded in getting all the requisite formalities accomplished, what good can they hope to do under the present system? In very few cases are the children permitted to have catechisms or religious books except while actually in the priest's presence. In the great majority of instances, the children never assist at mass, hear a sermon, or enter the doors of a Catholic Church. Their secular instruction is taken from books written by Protestants, and taught to them by Protestants. They live in a thoroughly Protestant atmosphere. If they fear those with whom they are, they fear Protestants. If they are treated kindly, as at least in the District Schools they certainly are, and they come to love those about them, the objects of their love are Protestants. Whether they are influenced by fear, or whether they are influenced by love, the influence over them is ever exercised by Protestants. And the strongest influence of all to which children can be subjected, the influence of the public opinion of the children amongst whom they are, is Protestant. Two or three exceptions amongst a large mass of children must have very unusual firmness not to give way under the ridicule and opposition of their companions. Many have so given way, not necessarily through any unfair interference on the part of the authorities of the workhouse or school, but from the natural, and all but inevitable effects of the present system. Nobody but the Protestant Alliance will oppose us if we ask that Catholic children may be given into Catholic hands, and that the guardians should pay towards their maintenance what they now cost the rates. When justice can be done without any expense, there are very few amongst us who would not be glad to do it. A word to his representative in Parliament from each one who would be glad to see *this* justice done, would be a benefit to the poor "that will in no wise lose its reward. Forasmuch as you have done it to the least of these My little ones, you have done it unto Me."

P.S.—As the intention of the Legislature in passing the 19th section of the Poor Law Act is of the greatest importance, we subjoin the reasons in favour of the section given by the House of Commons in conference with the

Lords, who had rejected it, as quoted by the Hon. C. Langdale, and reported in the "Tablet" of July 2, 1859.

"The Commons disagree to the said amendment.—

"I. Because it is essentially requisite for the preservation of religious freedom that the provisions contained in this clause should be, and should be known and acknowledged to be, the law of the land; and such declaration is more especially necessary in a measure so deeply interesting to the bulk of the community, and affecting every class of Her Majesty's subjects, whatever may be their religious persuasion.

"II. Because though it may be true that no new law or change of the law, is introduced by this clause, yet it relates to some matters which have not hitherto been specifically defined by any Act of Parliament, or recognized as law by any series of decisions, and therefore it is highly expedient that the legality of the provisions contained in the said clause should be made manifest beyond the possibility of doubt by express declaration.

"III. Because even supposing such clause not to be necessary, less evil would arise from a superfluous declaratory enactment than from the possible existence of doubt on a subject so nearly connected with the religious feelings and consciences of the people."

The House of Commons, therefore, regarded the clause as strongly in favour of religious freedom, and as only explicitly affirming what was previously the law of the land. But the sense which has been given to the clause is, that "the orphan child of deceased Catholic parents shall be educated in the Established religion, unless the Godfather or Godmother shall object," and this is a violent invasion of religious freedom, and such an enactment would have been a "new law or change of the law" in a most important matter. An Act of Parliament should always be interpreted in accordance with the Common Law, unless it bears on the face of it its intention to derogate from the Common Law. And in this case the interpretation given, which is against the Common Law, is contrary to the simple grammatical construction of the words. A negative precept is broken by the infringement of either portion, though linked by a conjunction. "Do not visit John *and* James" is broken though you visit John only and not James. "Do not educate the child in any religion other than that of its parents, *and* to which they or the Sponsors shall object" is broken whether you educate it in a religion other than that of its parents, or in a religion, to which its parents or Sponsors object. The

latter provision was no doubt intended to override the former, and must be regarded as the sole exception to the absolute ruling of the law that the child shall be educated in its parents' religion.

ART. II.—*Fr. Rogeri Bacon Opera quædam hactenus inedita*. Vol. I. containing, I. *Opus Tertium*; II. *Opus Minus*; III. *Compendium Philosophiæ*. Edited by J. S. Brewer, M.A., Professor of English Literature, King's College. London: Longman, Green, Brown, and Roberts, 1859.

THE fame of Roger Bacon has been eclipsed by that of his more distinguished namesake. The latter is pre-eminently *the* Bacon of English literature and philosophy; the popular reputation of the great Franciscan is of a very equivocal character. To many he is almost entirely unknown. Those to whom his name is less unfamiliar have heard of him chiefly in connection with certain marvellous mediæval legends, of which he is the traditionary hero. Many regard him as little better than a necromancer or a charlatan. The "*Wonderfull Historie of Fryer Bacon*" is perhaps an exaggeration of the notions frequently entertained regarding him; but it may at least be taken as fairly representing their general character; and few of those who have been amused by the extravagant tales about the talking head of brass constructed by him, or about his transmuting elixir, and his wingless flights through the air, have ever formed an adequate idea of the wonders of learning, of science, and of profound inventive genius, which distinguish his *Opus Majus* and his *Secreta Artis et Naturæ* from every other literary production of the mediæval period.

We hasten, therefore, with very peculiar gratification, to express our acknowledgments to the Master of the Rolls, the distinguished projector of the series of "*Chronicles and Memorials of Great Britain and Ireland during the Middle Ages*," for the early place which he has assigned in the collection to the unpublished works of Roger Bacon. It is highly creditable as well to the energy and activity of

Sir John Romilly, as to the ability and zeal of the editors who have laboured under his direction, that the volumes issued within the short space of three years from the first mooted of the project, already number nearly a score. Of these, however, the great majority are purely historical. There are only three, indeed—the polemical volume, edited by Mr. Shirley, "*Fasciculi Zizaniorum Johannis Wicliff cum Tritico*," that of Bishop Pecock, edited by Mr. Babington, and Mr. Wright's Collection of Political Poems, from the reign of Edward III. downwards ;—which are not chronicles in the strictest sense of the word ; and even the two less purely historical volumes which we have excepted, however interesting, as illustrating the religious and political condition of the time, throw but little light on its literature or philosophy. Now most of the writings of Roger Bacon have this peculiar interest, that they not only exhibit the powers of his own mind, and the extent of his own personal attainments, but they are in some sense a picture of the learning and literature of the entire age to which he belonged. Each of the many specific treatises which he left behind may be regarded as a complete resumé of all that was then known of the subject which it treats ; and the *Opus Majus* has long been known to the small class of scholars who have interested themselves in these studies, as a systematic encyclopædia of mediæval letters, philosophy, and natural science. The same may be said, and in some respects even more truly, of the principal work contained in the volume before us, the so-called *Opus Tertium*, published for the first time in the present collection.

The majority of the modern writers who discuss the character of the philosophy of Roger Bacon, regard him as the great antagonist of the scholastic philosophy of his age, and describe his system as the solitary struggle of the higher forms of the human intellect against the trammels to which it was subjected by the empty formalism under which the unsubstantial pretensions of the schools were disguised. There are others, on the contrary, who prefer to judge the character of the age by the philosophy of this, its most eminent representative ; and who thus hold up his learning and his success as an evidence of much higher enlightenment than has been commonly ascribed to the period, and as a refutation of the charge of ignorance and obscurantism which is popularly made against it. The

history of Roger Bacon, therefore, has an interest quite distinct from that which attaches to his own person. It is difficult, if not impossible, to consider him apart from the time in which he flourished; and his works are no less important for their relations to the literary condition and character of his contemporaries, than as illustrating the extent and the nature of his own also.

It must be confessed, nevertheless, that Roger Bacon's career has but few of the characteristics of a polemic. His writings hardly ever allude, even incidentally, to the doctrinal controversies which were agitated during his age. Even those philosophical heresies, the discussion of which might be expected to have possessed for him some peculiar attraction, pass without notice in his pages. We learn nothing from him of the Pantheistic sects of his day; whether of the Idealistic Pantheists, of whom Amaury de Bène may be taken as the type, or of the grosser materialists, who, like David de Dinant, and the Brethren of the Free Spirit, had made their philosophical speculations the vehicle or the mask of the most unbridled moral corruption. For Roger Bacon these controversies seem a dead letter; and it is almost equally so for the purely scholastic discussions of his age. Of the great controversy of the schools in his day—that upon Nominalism and Realism—his writings, with one exception, present scarcely a single trace. Indeed, it may be said that from the spirit of his philosophy, that and all similar discussions are utterly alien, and that the principles upon which these discussions turn have not even a standing place in his system. If he was a schoolman at all, it certainly was in a sense widely different; and his writings, far from disclosing any evidence of the cultivation of scholasticism, scarcely even show a trace of close personal intercourse with the celebrities of the contemporary philosophical or theological schools. His age, it need hardly be said, is pre-eminently the golden age of scholasticism. It was no longer confined to any single Church or nation. The greatest names of every one of the European nations belong to the century in which Roger Bacon lived. In Italy, the age of St. Thomas and St. Bonaventure almost exactly coincides with that of Bacon. In Germany, Albert the Great was born almost in the very same year. In his own country, Alexander of Hales and Bradwardine preceded him by but a few years. The great Irish schoolman, John

Duns Scotus, reached his highest eminence about the close of Bacon's career. William of Ockham, Scotus's most distinguished scholar, may be said to belong to the same period. And although France has no very notable native scholar exactly contemporary, (for William of Auvergne is of a lower rank,) yet the University of Paris, as the great centre of literary activity, may claim its share of the fame of each and all of those whom we have named.

Now, although Bacon often alludes to the works of Alexander of Hales, and speaks of other contemporary schoolmen, we do not find that he maintained with any of them those familiar relations which might be presumed to subsist between kindred minds, at a time when the circle of letters was so limited, and when the means of intercommunion were so entirely confined to the private and personal interchange of projects and opinions.

Some explanation of this remarkable fact may be found in the circumstances of the time, which was peculiarly unfavourable in England to the cultivation of any form of learning. The best part of Bacon's life corresponds with the angry and protracted contest between Henry and his barons, by which the whole social system in England was disorganized. The disputes on ecclesiastical affairs, which marked the commencement of the reign of Henry, exercised a most prejudicial influence on the progress of learning, by disturbing the peace of the various ecclesiastical bodies, and introducing angry division and party-spirit into the schools and universities. The civil and political contests which succeeded,—the proceedings of the "Mad Parliament," and of the "Committee of Fifteen"—carried division into almost every family and every household; and the entire struggle was marked by one characteristic, especially unfavourable to the intercourse which had commonly subsisted between all the great schools of learning in the various countries—the distrust and jealousy of foreigners and foreign associations, which the foreign partialities of King Henry had created among the Barons of England and their numerous partisans, both in the commons and in the clergy.

Roger Bacon was born at Ilchester, in Somersetshire, in the year 1214, of an ancient and wealthy family. Mr. Brewer* refers in one of his editorial notes to a statement

* p. lxxv.

made by Tanner, on the authority of a MS. by Brother Twine, (now in the library of Corpus Christi College, Oxford,) to the effect that Bacon's original name was David Dee de Radik; and that it was not till his admission into the Franciscan Order that he assumed the name of Brother Roger Bacon. This strange allegation scarcely needs to be refuted. If we except the single MS. to which Mr. Brewer refers, it is entirely unsupported, while all the ancient authorities concur in assigning Bacon as the true family name. There is good reason indeed for doubting whether at this time the practice of changing the name at entrance into religious life existed in the Franciscan Order; and at all events the change, where it did prevail, only affected the christian, and not the family, or surname, of the individual.

Bacon's family took the king's side in the civil contests of the period, and appear to have suffered severely by their fidelity to the cause of royalty. In his explanation to Pope Clement IV. of the difficulties which he had had to encounter in the preparation of the works in which he had engaged, by the Pope's desire, he states that for the purpose of procuring the necessary funds, he had despatched a messenger to his rich brother, in his own country; but that this brother, together with his mother and the other members of the family, had been banished for their adhesion to the royal cause; that they had more than once been compelled to pay a ransom in order to redeem themselves from captivity; and that he had failed to obtain any answer to his application.* It is worthy of note, nevertheless, that Roger Bacon himself, whatever may have been the politics of his family, was not at least a blind and indiscriminating adherent of Henry III. In a sermon which he preached at Oxford, before Henry and his court, he criticised in no measured terms† the obnoxious partialities of the king, denouncing vigorously the employment of French and Gascon nobles and prelates in the great civil and ecclesiastical offices, the king's prodigality towards the foreigners employed in these and other posts, and especially the impolicy of entrusting to them the charge of the great fortresses and strongholds of the kingdom. It is not impossi-

* *Opus Tertium*, p. 16.

† See Milman's *Latin Christianity*, vi. p. 472.

ble that the very services of his family to the crown furnished to the preacher a justification for the bold and well-meant expostulation in which he indulged. There is no reason to believe that he himself embraced the opposite side in the civil contest; and indeed the discourse in question appears to comprise the sum of his interference with the political concerns of his age.

We shall see, moreover, that it was most probably the part taken by his family in the collision between the king and the barons, which led to those friendly relations with the papal nuncio in England, afterwards Clement IV., to which we are indebted for that remarkable series of works beginning with the *Opus Majus*, and nearly completed in the volume now edited by Mr. Brewer.

Roger Bacon's first studies were made at Oxford, whether in Merton College, or Brazenose Hall, is still uncertain. Dean Milman* conjectures that he may have resided in both at different periods. One of his earliest teachers was Rich, canonized Archbishop of Canterbury. What is most noticeable regarding his residence at Oxford is, that even there his mathematical tastes had begun to display themselves. His chief studies, it is true, turned upon grammar and logic, but he had already laid so successfully the foundation of the distinction to which he afterwards attained in physical studies, that when he transferred himself to the University of Paris, he was speedily enabled to establish the very highest reputation in these branches of learning. That curious fashion of the age, which assigned to each of its most distinguished men a title which might serve to embody the special characteristic of his particular species of distinction, assigned to Roger Bacon an epithet which sufficiently describes the nature of his favourite studies. If among his countrymen and fellow philosophers, William of Ockham was called the "Doctor Invincibilis," Richard Middleton the "Doctor Solidus," and Walter Burleigh the "Doctor Perspicuus," to designate the special excellences of their respective genius, or the peculiar habit of their mind or of their system of conveying instruction, Roger Bacon was called the "Doctor Mirabilis," from the mysteries of physical science which it was his peculiar privilege to explore, or the mar-

* Latin Christianity, vi. p. 476.

vels of natural magic which he delighted to exhibit. It is at all events certain that it was during his residence in Paris that he laid up these stores of learning, and followed out many of those courses of scientific investigation, the results of which are embodied in the great encyclopædical works which he drew up by the desire of Clement IV. The extraordinary rapidity with which they were completed clearly proves them to have been the matured fruits of long-continued and systematic study, and although it is of course impossible to fix with certainty how much of this is to be ascribed to Paris, and how much to Oxford, yet there are abundant reasons to believe that, at least so far as regards what may properly be called university studies, the former university may claim the larger share of the glory which those of Roger Bacon bring to this age.

But, whatever may be thought of this comparatively unimportant question, certain it is that, upon his return to Oxford, Bacon continued to prosecute the same studies with the same ardour. He appears to have returned to England in the year 1240. He had already formed a close and affectionate intimacy with the celebrated Robert Grosseteste, (or to call him by his English name, which he himself loved, Greathead,) afterwards Bishop of Lincoln. It was probably at the instance of Grosseteste (who was an enthusiastic patron of the two new orders of St. Dominic and St. Francis,) that he became a member of the Franciscan community, although it is difficult to say whether his admission occurred before or after his return from France. Oudin is of opinion that it was in Paris, about 1240; and at all events there is no doubt that, while in Paris, he resided in the Franciscan house, either as a boarder, or as a recognized brother or at least candidate for admission to the order.

From the time of his return to England, whether he was as yet a member of the Franciscan order or not, he took up his residence and continued to teach in the University of Oxford. Of the details of his life for the twenty years which followed his return we know but little. The description of his studies which he himself has given in his remarkable address to Clement IV., contains almost all that it is now possible to glean. He tells him "that he had spent forty years in the study of science and the languages, from the time that he first learnt his alphabet, when he was still unconnected with the Franciscans. Men won-

dered that he survived such excessive labours; and yet, after he had entered that order, he was every whit as studious as before. Elsewhere he remarks: 'I have laboured from my youth up at the sciences and the tongues; I have sought the friendship of all men among the Latins who had any reputation for knowledge. I have caused youths to be instructed in the languages, in geometry, in arithmetic, in the formation of tables and instruments, and in many needful things besides. I have examined all that is requisite; I know how to proceed, what aids are required, and what are the impediments. But I cannot proceed from want of the requisite means.' 'And yet (he continues) if any other man had expended as much as I have done, certainly a large portion of the desired results might have been achieved. For, during the twenty years that I have specially laboured in the attainment of wisdom, abandoning the vulgar path (*neglecto sensu vulgi*), I have spent upon these pursuits more than 2000*l.*, not to mention the cost of secret books, of various experiments, languages, instruments, tables, and the like; add to all, the sacrifices I have made to procure the friendship of the wise, and to obtain assistants instructed in the tongues, in geometrical figures, tables, and instruments.' "

There is one circumstance, however, which it would be unjust to pass over unnoticed;—the generous and disinterested patronage which he freely extended to struggling genius, and the liberality with which he communicated to others the fruits of his own labour and research. The circumstances of the age supplied him many occasions for these friendly offices. The universities, especially that of Oxford, where Bacon resided, were filled with poor youths who subsisted either on the eleemosynary foundations of the institution, or on the liberality of their richer fellow-academicians. To the more promising among them Bacon was a constant and generous helper. For the particulars of his relations with one of these pupils, named John, we are indebted to his own modest narrative contained in his address to Pope Clement IV. Struck by the remarkable promise of this poor youth, who in aptitude and innocence surpassed all that he had ever known before, Bacon took upon himself the charge of his nurture and education. "I cast my eyes," he writes to Pope Clement, "on a lad whom I caused to be instructed five or six years ago in the languages, in mathematics and optics, wherein is the

chief difficulty of all that I have now sent you. I have gratuitously instructed him with my own lips since the time I received your mandate, foreseeing that there was no other, whom I could employ with so much satisfaction. And therefore I thought I would despatch him, that if it pleased your wisdom to use my messenger, you might find him fit for the purpose: if not, he might still present my writings to your eminence. For unquestionably there is not any one among the Latins who, in all that I wish, can answer so many questions (because of the method that I pursue, and because I have instructed him), as he can do, who has learnt from my own lips, and been instructed by my counsel.

"God is my witness, that had it not been for your reverence and to your advantage, I would not have mentioned him. Had I wanted to send a person for my own profit, I could easily have found others more suited for advancing my interests; had I consulted the advantage of the messenger, I love others more, and am more obliged to them, because I am under no obligation to him, either from kindred or otherwise, except so far as I am to any ordinary person; even less. For when he came to me as a poor boy, I caused him to be nurtured and instructed for the love of God, especially since for aptitude and innocence I never found so towardly a youth. He has made such progress, that he will be able to gain more truly and successfully what is needful, than any one else at Paris, although he is not more than twenty or twenty-one. For there is no one at Paris who knows so much of the root of philosophy, although he has not produced the branches, flowers, and fruits, because of his youth, and because he has had no experience in teaching. But he has the means of surpassing all the Latins if he live to grow old, and proceed as he has begun."

In these pursuits he spent the years after his return from Paris. His private studies, and especially his experimental researches, were conducted under great disadvantages. The vow of poverty, as understood in the mendicant orders, deprived him of all means for the purchase or construction of instruments and other appliances of study, except what were supplied by the liberality of his friends and admirers; and although the sum which, as we said he was thus enabled to command, was a very large one for that age, yet it may well be believed that the precariousness of the

sources from which it came, and the restrictions as to use, with which it was accompanied, must have materially impeded its effective application. Before he entered the Franciscan order, he had never written upon scientific subjects. From that time forward the rule prohibited his doing so without express permission, and even though he obtained permission to write, he was not at liberty to communicate what he had written to strangers, under the pain of forfeiture of the books and other penalties. Another and in those days most serious impediment to the preparation and multiplication of copies of a work intended for circulation, was the difficulty and expense of procuring the services of competent transcribers. Bacon complains that he could only do so by employing persons unconnected with his own order; and in entrusting his works to such strangers, he ran the risk of their taking copies surreptitiously for their own purposes or those of their friends;—a species of piracy which he describes as very common among the transcribers of Paris. Not that he himself willingly withheld from the world the lights which he himself had obtained by his researches, but that the prohibition of his superiors would be practically frustrated by the opportunity thus afforded.

Under the pressure of these manifold difficulties he calmly conducted his curious, and for his age most extensive linguistic studies, the long series of experimental researches, and the profound and far-seeing physical speculations, the fruits of which are contained in the works which he composed during the last years of his life.

He made himself master of Latin, Greek, Hebrew, and even of Arabic, as well as of most of the modern European languages. Nor was his pursuit of languages the mere mechanical drudgery which consists in the acquisition of vocabularies and the accumulation of forms and paradigms. It was clearly a philosophical and systematized study. No writer of ancient times approached so nearly to the principles of modern philological science. To him grammar was a philosophical study, not limited by the peculiar forms of particular languages, but founded on the broad and universal principles of the common science of thought and its expression: and in the fervour of his conviction of the justice of his system, and of its superiority to the ordinary modes of study, he was betrayed into an exaggerated estimate of its value, and of the faci-

lities which it afforded for the acquisition of the learned languages. In his letter to Pope Clement IV. he professes his confident belief that by the system which he had devised, "any diligent and docile pupil might, within three days, not only acquire the Hebrew language, but might be able to read and understand every thing that belongs to the exposition and correction of the Sacred Text;" and that a like space of time would suffice for the acquisition of the Greek language, and of its affinities with the Latin. Nor will it be matter of surprise that, with views such as these, he was led to indulge in what has been the dream of almost every ardent speculator in philosophy, whether of ancient or of modern times—a theory of a universal grammar, to which all the peculiarities of the various languages were to adjust themselves, and by which the labour of linguistic study was to be proportionally abridged.

But Roger Bacon's celebrity among his contemporaries was due still more to his physical studies. In every branch of these studies he attained to an eminence unexampled until his time. He devoted himself not only to chemistry and astronomy—the ordinary pursuits of mediæval physicists, and the natural high roads to what were the great object of mediæval research, alchemy and judicial astrology, but also to the more purely speculative science of optics, and the less suspected pursuit of mechanics. Of his progress in all these studies we shall see more when we come to give an account of his works, and especially of those which have been recently published under the auspices of the Master of the Rolls.

His personal history, unhappily, may be told in a very brief space. It has been already said that, by his membership in the Franciscan order, the freedom of his studies, or rather of the publication of the results of his studies, was much restricted. One of the sciences to which Bacon was specially devoted, that of astronomy, had long been an object of suspicion. Not even the most learned and the most enlightened of the olden students of the heavens had been able to exclude from their minds the notion which had come down from the days of the Chaldeans, as to the connection of the stars with human affairs, and their influence on earthly events, and on the fortunes and destinies, both of the human race generally and of particular nations, families, and even individuals. The study of

astronomy, therefore, was in the popular view confounded with that of astrology, and the astronomer came to be regarded as the associate and ally of the magician, if indeed the two characters and professions were not actually identified. It commonly enough happened, too, that the same habits of mind which led men to cultivate the study of the stars, inclined them also to other natural studies, which (particularly that of chemistry, as then pursued,) were even in deeper disrepute, and under more jealous suspicion.

The very eminence to which Bacon attained in these pursuits, and the zeal with which he applied himself to them, marked him out to the crowd, and even to the members of his own order, as an object of jealousy and distrust. Nor can it be denied that his own language, as to the influence of the heavenly bodies upon human feelings and human passions, and the undisguised claim which he made to the possession of a power of "framing astronomical tables, which, by marking the times when the heavenly bodies were in the same conjunctions and postures, would enable him to predict their effects upon human affairs," lent much probability to the imputation. It is true that the influences which he ascribed to the heavenly bodies were purely physical, and due entirely, in his view, to natural causes; but the distinction between his system, which, although groundless, was in some sense not an unphilosophical one, and that of the judicial astrology, as commonly understood, was too subtle for popular apprehension; and the very superiority of Bacon in the purely physical results of his experimental researches served only to increase, by the prestige which it added to his name, the darker reputation which on other grounds had grown around him.

And hence, far from receiving in his order that encouragement in the pursuit of his favourite studies, to which his extraordinary genius and his self-denying industry were entitled, he was, on the contrary, subjected to many painful restrictions, partly no doubt the result of the rigid discipline of the Franciscan order, but partly also due to the special jealousies which the reputation of Bacon had gathered around him. Not only was he not supplied with the assistance of scribes, copyists, and attendants, but he was even forbidden, as has been said, to communicate any of his books or writings to any person whatsoever, under pain,

not only of forfeiting the book so communicated, but also of being subjected to a fast of several days on bread and water. And hence for many years after he had finally taken up his abode at Oxford, he had never committed the results of his researches to writing, or at least he had not formally prepared them for publication.

Perhaps it might have remained so even to the end ; and the treasures which Bacon had spent so many years in collecting might have gone with him to his grave, had it not been for the fortunate chance which, by attracting to the neglected scholar the notice of one who ultimately reached the highest dignity in the Church, drew him forth from the obscurity and silence to which he had so long been condemned.

When the struggle between Henry III. and his barons was at its height, the Pope, Urban IV., in 1263, or perhaps in the following year, sent his legate, Guy le Gros, or de Foulques, then cardinal and bishop of Santa Sabina, on a mission of peace to England. The mission failed of its public object ; but it was the means of opening a communication between the legate and the great English philosopher, which resulted in the production of those marvels of mediæval learning, which the world still admires in the now famous *Opus Majus* of Bacon and its kindred compilations. De Foulques, a native of St. Gilles on the Rhine, had originally been a soldier, but exchanged the profession of arms for that of the law, and served for some time as the secretary of St. Lewis. Ultimately, however, having entered the Church, he was made Archbishop of Narbonne, and Cardinal Bishop of S. Sabina. His attention appears to have been first called to the reputation of Roger Bacon, by a clerk named Raymond de Laon ; and he took an early occasion of sending Raymond to Bacon, to request an account of his discoveries, and an opportunity of perusing his works. The restrictions under which Bacon was placed prevented his venturing at that time to comply with his request ; nor was it till after the Cardinal had been elevated to the Pontificate under the name of Clement IV., and, as Pope, had renewed the entreaty, that Bacon ventured to act upon the suggestion. "When your Holiness," he explains in the introduction to the *Opus Tertium*, "wrote to me, on the last occasion, the writings you demanded were not yet composed, although you supposed they were. For whilst I was in a different state of life (that is, before he

entered the order of the Franciscans), I had written nothing on science, nor in my present condition had I ever been required to do so by my superiors; nay, a strict prohibition had been passed to the contrary, under penalty of forfeiture of the book, and many days' fasting on bread and water, if any work written by me, or belonging to my house, should be communicated to strangers. Nor could I get a fair copy made (*littera bona*) except by employing transcribers unconnected with our order; and then they would have copied my works to serve themselves or others, without any regard to my wishes; as authors' works are often pirated by the knavery of the transcribers at Paris. And certainly, if it had been in my power to have communicated my discoveries freely, I should have composed many things for my brother the scholar, and for others, my most intimate friends. But as I despaired of the means of communicating my thoughts, I forbore to commit them to writing. When, therefore, I professed to you my readiness, you must understand that it was for writings to be composed, not for such as had been composed already. And therefore your chaplain, Raymond of Laon, was altogether mistaken when he made mention of me to your holiness. For although I had at various times put together, in a hasty manner, some few chapters on different subjects, at the entreaty of my friends, there was nothing note-worthy in these writings;—nothing of such a nature as I could think of presenting to your wisdom. They were such as I myself hold in no estimation, as being deficient in continuity and perfection."

It is not difficult to imagine with what enthusiasm the scholar, when released from the fetters by which he had so long been trammelled, must have thrown himself into the task which was thus honourably proposed to him.

"With the alacrity of a neglected scholar," writes the editor of the present volume, "with the touching hopefulness and trust of ill-requited genius, investing with its own true worth, and much above their value, the careless notice of the great, Bacon fell to work. The gratitude he felt towards his pontifical patron for imposing this task upon him was unbounded. More than once he warns him tenderly against indulging in too rigid an asceticism, which might shorten a life dear to Christendom and entwined with its best interests. More than once he tells him that prophecy and vision pointed to the happy fact that a pope should arise in these latter times, who should purge the Church of God from fraud, from

ignorance, and from contention, that justice should reign and prosper in his days. The Greeks and the Latins should be reconciled, the Tartars converted, the Saracens destroyed, and all should become one fold under one shepherd. 'Blessed,' he exclaims, 'be God and the Father of our Lord Jesus Christ, who has exalted on the throne of his kingdom a wise ruler, who desires to think usefully of the study of wisdom. The predecessors of your beatitude, occupied with other business of the Church, oppressed by insults in many ways from the contumacious and tyrannical, could not relax their minds in the direction of study. But by the authority of God, the right hand of your excellence has shaken out the triumphal banner from heaven, it has drawn both swords, it has cast into hell the opposing factions, it has procured for all the faithful the sovereignty of joy, because the inexhaustible profundity of your prudence has magnificently provided for them an opportune time for reflection and study.'

"Elsewhere he professes his inability to express the delight, which he experienced on the pope's demanding some account of his experiments. 'Seeing that the dignity so much to be revered, welling forth with the fulness of wisdom, blossoming with the indescribable beauty of eloquence, has raised me up, unworthy as I am, to transmit to him the writings of philosophy, if I faint from wonder, if I show less gratitude than I ought, if I become tongue-tied, if the pen of the writer vacillates, attribute it not, I beseech you, to my feebleness alone, but to the miracle of your condescension towards me. I am astounded and overwhelmed with the glory of the writer; I cannot sufficiently admire the exalted nature of your commands; I have nothing which can deserve the name of an answer on this behalf. Where is there such a fecundity of wit, such a vigour of reason, a capacity of memory so unwearied, where shall there be found such a power of eloquence, which can fully make known the condescension of your highness? The head of the Church has sought out me, the unworthy sole of its foot; the vicar of Christ and ruler of the whole world has condescended to ask a favour of me, who am scarcely to be numbered among the units of the world (*partes universi*). I feel myself elevated above my ordinary strength; I conceive a new fervour of spirit. I ought to be more than grateful, indeed most grateful, since your beatitude has importuned me for that, which I have most ardently desired to communicate, for that which I have laboured with immense toil, and brought into light after manifold expenses.'

"High flown and extravagant as such language may sound in modern ears, it was the genuine utterance of feelings long pent in, of sudden emancipation from the obscurity and contempt under which he had languished. Forty years of the best of his life had been devoted to incessant study. No time, no labour, no expense had been stinted. He had bought wisdom at her own bidding. He

had toiled through calculations and experiments, had exhausted patience and ingenuity in tables, diagrams, and instruments. He knew the worth of it all, and the worthlessness of those studies of his contemporaries, which, based on erroneous translations, and careless of experiment, only led men further from the truth, and plunged them into inextricable confusion. He saw the crowd toiling; 'the errors and wanderings, the mist and tempests in the vale below;'—he was able and anxious, yet forbidden to help. He knew the remedy, but might not apply it. The authors of confusion were listed to, applauded, followed by admiring crowds, quoted as infallible authorities, exalted to an autocracy of science. He was despised,—for ten years before the arrival of the pope's letter his very name had dropped out of the annals of fame,—unheard, buried, and forgotten. The papal mandate came at a time when he had abandoned all hope of communicating his discoveries to the world. The fruits of his long trials and earnest studies would go with him to the grave; the chilling restrictions of his order were closing upon him with little or no hope of relaxation. The command of the pope to commit his researches to writing, superseding all obstacles his superiors had imposed, or might attempt to impose hereafter, came to him like health to the dying. The long desired opportunity had arrived at last. He had not lived in vain. The truth was not to perish with him. He was to reduce into writing for the pope the cherished results of his long study and experiment. The voice of the pope was the voice of Christendom. Who of his belauded contemporaries had been so honoured? No wonder his gratitude bubbled over in a stream much above boiling heat to our modern sensations."—Vol. I. pp. xxiii-vi.

The fruit of Bacon's compliance with the invitation of Pope Clement was that extraordinary series of works of which the present volume contains a very important supplement. The whole series consists of three works, known as the *Opus Majus*, *Opus Minus*, and *Opus Tertium*.

The first of these is already well known. It was published, with the exception of the Seventh Part, in 1733, by Dr. Jebb, and may be described as a complete encyclopædia, or perhaps rather as a summary view, and at the same time a project for the reform, of the moral and physical sciences, such as they existed in his day. It is divided into seven parts, and with the exception of logic, it embraces the whole range of science as it was then understood—theology, grammar, mathematics, geography, chronology, the calendar, music, optics, mechanics, and ethics.

The second, or *Opus Minus*, was undertaken by Bacon

from the fear partly that he had not expressed himself with sufficient fulness or perspicuity in his first work, partly lest that work should be lost by the way. Unfortunately no complete MS. of this work has yet been discovered. Dr. Jebb had given a very inaccurate account of its contents and of its object, which Bacon himself describes to have been, that it might serve as an abstract and specimen of his Greater Works, and a supplement whereon to treat several questions which he had overlooked, or imperfectly discussed in the former.

Mr. Brewer's volume publishes so much of the *Opus Minus* as is contained in the Bodleian MS., which, however, is not only imperfect, but full of inaccuracies. "The transcriber was utterly incompetent to his task; he was evidently unable to read his original; and on more than one occasion he has apparently supplied, by a facsimile, the words which he could not decipher. So gross and astounding are his mistakes, that it is questionable whether he understood the language of the work he was copying. Catchwords, marginal references, and cautions are transferred to the body of the text; ends of words are given without the beginning, spaces omitted, quotations mutilated, not to mention the minor offences of full stops and capitals transferred without compunction from their proper place at the end to the middle of many sentences.

The *Opus Tertium*, although posterior in order to the two works already named, was in reality intended as a preamble to both of them. In a scientific point of view it is less important than either; but it is far more interesting as a formal record, and as a memorial of the labours of Bacon and a sketch of his literary and personal history. The early chapters especially are in great part biographical or anecdotal, and in the later portions, even when they are strictly scientific, there is a great deal which may be considered as a supplement to the *Opus Majus*, whether in the materials which it contains, or in the treatment of the subject, and the manner in which these materials are dealt with by the author.

Taken together, these three works may well be regarded as a prodigy of literary labour, almost unexampled in the entire history of literature, ancient or modern. Independently altogether of the intrinsic merits, the results which they exhibit are almost without parallel, whether we

consider their magnitude or the difficulties under which they were produced.

“Without Bacon’s positive assertion and the incontrovertible evidence furnished by the treatises themselves, the facts now to be stated would have appeared incredible. The papal letter to Bacon is dated from Viterbo, 10th of the Calends of July [June 22], the second year of Clement’s pontificate, A.D. 1266. If Roger Bacon was at Paris, or in any other part of France, at the time, as may be inferred from his own statements in chapter 3rd of the *Opus Tertium*, some days must have elapsed before the mandate could have reached him. A delay of weeks, if not months, intervened before the necessary transcribers could be collected, or the funds raised, indispensably required for the fulfilment of his task. Yet all was accomplished, and the three works completed before the close of the year 1267. In the *Opus Tertium*, the last of the series, he speaks more than once of A.D. 1267 as the current year. He has recorded his most solemn and positive assurance, that at the time of his receiving the papal letter, no portion of his works had been committed to writing. Without any such positive declaration on his part, as much might have been justly inferred from the strict rule of his order, and the poverty it enjoined. Startling, then, as it may seem, the conclusion is inevitable, that these three works, the *Opus Majus*, the *Opus Minus*, and the *Opus Tertium*, were all composed, and clearly written out for the pope, within fifteen or eighteen months after the first arrival of the papal mandate. Such a feat is unparalleled in the annals of literature. The *Opus Majus*, as published by Jebb, extends to 474 pages in folio, not including the seventh part, which Jebb has omitted. Of the compass of the *Opus Tertium* the reader may judge by the present volume; that of the *Opus Minus*, unfortunately, cannot be determined. The *Opus Majus* embraced the entire scope of the physical sciences as then understood. In the treatise on optics, the author entered minutely into a description of the anatomy of the eye, besides discussing those problems which would now be considered as more strictly within the province of optical science. In his remarks on mathematics, he occupies at considerable length the field of descriptive geography. In the chapters on the reformation of the calendar he had to form minute calculations on an intricate subject, little understood, and to pass in review not only the methods of computation as used in his own days, but the Hebrew, the Roman, and the early ecclesiastical notation. He had to construct tables, to illustrate his meaning by diagrams, to treat abstruse and scientific questions, in an age unaccustomed to scientific demonstrations. To gain the ear of the pope, whom he was anxious to enlist in the cause of philosophy, he had to descend to a style and manner clear and popular enough to suit the ordinary capacity of one, whose sympathies and good wishes constituted his only claim to be an arbiter of science. No help was at hand; no friends to

advise ; neither tables nor instruments to verify or abridge his calculations. The translations from scientific works of the Greek and Arabian were utterly worthless ; MSS. of the originals not to be procured. The copies of Bacon's own works, as they exist at the present day, afford unmistakable evidence of the obtuseness of his transcribers, ignorant of every language but the Latin, unaccustomed to scientific terms, indifferent to criticism. Friendless, unaided by his family, thwarted by his superiors, if not discountenanced by the very pope who had enjoined the task, he had nothing but the force of his own genius and his unconquerable love of the truth wherewith to surmount these overwhelming difficulties. In what estimation modern philosophy may hold his researches it is not easy to decide ; but in his vast and unwearied labours in the cause of science,—that never-failing characteristic of true scientific insight,—Roger Bacon may fairly take rank with the greatest pioneers of modern discovery.”—pp. xlv-vii.

To resume, however, the personal history of Bacon.

Little is known of the manner in which these works were received by Pope Clement. The scanty remains of his correspondence give no light upon this question ; nor is any fact recorded during the rest of Clement's pontificate, from which any inference can be drawn as to the relations which subsisted between them. The brief pontificates which succeeded that of Clement ;—those of Gregory X., Innocent V., Adrian V., and John XX., are a complete blank as regards the history of Bacon. In the pontificate of Nicholas III., however, the indifference with which he had been regarded was changed into open hostility. To the legate of that Pontiff, Jerome of Ascoli, himself a Franciscan, and general of the order, Bacon's teaching was denounced as dangerous and unlawful. Jerome received the charge. The works of Bacon were examined. The opinions already referred to as to the possibility of using the observations of the stars for the purpose of predicting future events, and other marvellous powers claimed by him, or ascribed to him, were accepted as a ground for the accusation of “suspicious and dangerous novelties,” preferred against him. It was in vain that he attempted to explain these opinions and practices as harmless and purely natural results of physical science. In vain he denounced the ignorance of his accusers, to which alone, he contended, the unworthy construction put upon his life and teaching could be attributed. His accusers prevailed. He was sentenced to close confinement in

his monastery; and although he continued to write, both in his own defence and upon the general questions of science; although he put forward as the best refutation of the charge of magical pretensions his masterly work *De Nullitate Magiæ*; although he endeavoured to enlist the favour of the octogenarian Pope Honorius IV. by his treatise *De Prolongatione Vitæ*; the rigour of his confinement was maintained. The Franciscan General, Jerome of Ascoli, by whom he was originally condemned, became Pope in 1288, under the name of Nicholas IV. Whether he upon his elevation relaxed the rigour of his former sentence there are not now any means of determining. Most of the modern authorities incline to the negative. If so, Bacon's release did not take place till 1293. He died in the following year; the great dream of his life unrealized, the work to which all his powers had been vowed unaccomplished. The three treatises which he sent to Pope Clement, were but as it were, the prospectus of that vast and comprehensive scheme of science which he had meditated through the solitary studies of forty years.

It would carry us outside of our present scope to enter into any lengthened argument for the purpose of showing that the hostility which Roger Bacon encountered from his order, was not directed against the sciences which he so ardently cultivated, such as they are understood in our times, and such as he himself really understood and explained then. The truth is, that like most eminent discoverers in every age, Bacon was far in advance of the public whom he addressed. He was painfully misunderstood by them, and unfortunately he does not appear to have possessed either the tact or the temper to avoid, by judicious explanations of his real views, the consequences of this misunderstanding. The works and the correspondence of Bacon abound with loud and impatient denunciations of the ignorance and folly of his adversaries, with allegations of their incapacity to receive or understand his explanations, and even with contemptuous disclaimers of any intention to undertake what he regards as the hopeless task of endeavouring to enlighten them. By such proceedings on his part the hostility which, on personal grounds, had been excited against him, was kept alive, and even aggravated; and there is some reason to believe that, at least in the commencement, no small part of the hostility was founded on personal considerations.

Another element, however, and a more permanent and even powerful one, in the opposition which Bacon encountered in the schools of his order, arose rather from the general principles and characteristics of his system of learning, than from the particular sciences which he cultivated, or the novel and startling facts in these sciences which he elaborated. Bacon's scheme of learning was regarded as, of its very nature, a protest against the entire spirit of the schools of his day, and there was much in the tone and manner in which he propounded it, that gave it the character of a contemptuous protest. To the theologians, and even to the philosophers of that age, the whole sum of knowledge, or at least the source and foundation of all knowledge, in which and through which all else was to be known, was theology. For Bacon a necessary preliminary to the study of theology was the knowledge of the natural sciences, of mathematics, physics, languages, and criticism. Hence he came before the teachers of the existing schools, not only as himself inaugurating a novel study, but as the antagonist and arraigner of the received studies, or at least as inverting the order which long use and religious reverence had consecrated, and subordinating the supernatural to the natural, the spiritual and heavenly to the earthly and material. And unquestionably, although there is abundant evidence in Bacon's writings, not alone of his appreciation and reverence of the science of theology, but also of his familiarity therewith, yet as invariably happens with the partisans of a novelty, there is quite enough in what he has written in urging the importance and the sublimity of his favourite studies, to give colour and probability to the accusation made against him of depreciating and contemning the science which he seems to put aside and to neglect in their favour. In a word, Bacon was an innovator, and an innovator in what had always been regarded as a suspicious direction. His principles were regarded as tending to depreciate, and perhaps to antagonize, what was pre-eminently *the* science of the period. Many of the practical pursuits which he cultivated had already, in unworthy hands, fallen under grave and not undeserved suspicion. The philosopher paid the penalty of fellowship with the charlatan; and the inventor provoked the hostility of an age which he outran, and which, failing to understand, feared and suspected him. It is but the same painful story which has, in every stage of the world's pro-

gress, been so often repeated, and which is almost the inevitable consequence of the variety of the gifts and the various degrees of enlightenment which Providence has been pleased to distribute among mankind.

It is only from a close and careful examination of the works of Roger Bacon that a just idea can be formed of the extent of his actual acquisitions in science and learning, and still more of his capacity for scientific investigation of the most abstruse kind. We have already said that these works are but, as it were, the programme of a complete body of Natural Science which he projected, though many of the most interesting passages which they contain are valuable, chiefly for the hints and indications which they contain—the germs of undeveloped theories, and anticipations of uncompleted experiment. How fully he was alive to the importance of close and systematic investigation, of the careful accumulation of facts and data in each department of science, and of the value of a well organized plan of observation, assisted by all the best appliances of study, may be inferred from the following very interesting and characteristic extract from the *Opus Tertium*.

“The second root of the difficulty is that we ought to have excellent mathematicians, who should not only know what exists, original or translated, in connection with the sciences, but be able to make additions to them, which is easy for good mathematicians to do. For there are only two perfect mathematicians, Master John of London, and Master Peter de Maharn-Curia, a Picard. There are two other good ones, Master Campanus de Novaria, and Master Nicholas, the teacher of Amaury de Montfort. For without mathematics nothing worth knowing in philosophy can be attained. And therefore it is indispensable that good mathematicians be had, who are very scarce. Nor can any one obtain their services, especially the best of them, except it be the pope or some great prince. For he would hardly condescend to live with any one who wished to be the lord of his own studies, and prosecute philosophical investigation at his pleasure.

“And besides these expenses, other great expenses would have to be incurred. Without mathematical instruments no science can be mastered; and these instruments are not to be found among the Latins, and could not be made for two or three hundred pounds. And besides, better tables are indispensably requisite, for although the certifying of the tables is done by instruments, yet this cannot be accomplished unless there be an immense number of instruments; and these are hard to use and hard to keep, because of rusting, and they cannot be moved from place to place without

breaking ; and a man cannot have every where and on all occasions new instruments, which yet he ought to have, unless he have certified tables. These tables are called *Almanack* or *Talligum*, in which, once for all, the motions of the heavens are certified from the beginning to the end of the world, without daily labour ; so that a man can find everything in the heavens every day, as we find in the calendar the feast-days of the saints ; and then every day we could consider in the heavens the causes of all things which are renovated in the earth, and seek similar positions [of the heavens] in times past, and discover similar effects. These tables would be worth a king's ransom, and therefore could not be made without vast expense. And I have often attempted the composition of such tables, but could not finish them through failure of the expenses, and the folly of those whom I had to employ. For, first of all, it would be necessary that ten or twelve boys should be instructed in the ordinary canons and astronomical tables ; and when they knew how to work at them, then for a year to discover the motions of each planet singly for every day and every hour, according to all the variations of their motions and other changes in the heavens.

“Then there are other instruments and tables of practical geometry, and practical arithmetic, and music, which are of great utility, and are indispensably required. But more than any of these it would be requisite to obtain men who have good knowledge of optics (*perspectiva*) and its instruments. For this is the science of true vision, and by vision we know all things. This science certifies mathematics and all other things, because astronomical instruments do not work except by vision, in accordance with the laws of that science. Nor is it wonderful if all things are known by mathematics, and yet all things by this science (*perspectiva*), because, as I have said before, the sciences are intimately connected, although each has its proper and peculiar province. But this science has not hitherto been read at Paris or among the Latins ; except twice at Oxford in England ; and there are not three persons acquainted with its power. He who pretends to be an authority (of whom I have spoken before) knows nothing of the power of this science, as appears by his books ; for he never composed a book on this science, which he would have done had he known it ; nor in his other books has he said anything about it. They are but few who know these things, as in the case of mathematics, and are not to be had, except at great expense ; and so likewise are the instruments of this science, which are very difficult, and of greater cost than the instruments needful for mathematics.”

“‘I say this,’ he remarks in conclusion, ‘because I am sorry for his ignorance and that of the generality ; for without these they can know nothing. No author among the ancient masters or the moderns has written about them ; but I have laboured at them for

ten years, as far as I could find time, and I have examined them narrowly as well as I could, reducing them to writing since the time when I received your mandate.'—pp. lxxv-vii.

Of the scholars to whom he refers in this passage very little is known, beyond the scanty hints which are here supplied. The Amaury de Montfort, named by Bacon, was the son of the celebrated Simon de Montfort.* Peter de Maharn Curia is frequently referred to by Bacon,† and always in terms of the highest admiration. Who may have been the unnamed professor whose ignorance of mathematics and natural science is so earnestly reprobated, it is difficult to determine. Bacon refers to him repeatedly in different parts of his writings,‡ and always in the same strong language of condemnation. By some he is supposed to allude to the great Dominican teacher, Albertus Magnus; but although he certainly did not entertain a high opinion of this schoolman, it is probable he is not the professor here referred to. Had it been so, it is probable that Bacon would have named him, as he does in other places. Mr. Brewer conjectures, though without assigning a reason, that the professor really referred to is Richard of Cornwall. The fact that Richard was a member of Bacon's own order might account for his reluctance to mention his name; but there are other circumstances which render the conjecture to some extent improbable.

We have already said that Mr. Brewer's volume contains two (one of these, however, being imperfect,) of the three works which Bacon composed for Pope Clement. But before we proceed to submit to the reader a specimen of the contents of these works, we must advert briefly to another fragment comprised in the volume, and which is printed under the title of *Compendium Studii*.

In its character and object as presenting a general view of the whole circle of philosophical science, the *Compendium Studii* resembles each of the other great works of Bacon; but, to judge from the portion which remains, it appears to have been more comprehensive in its plan, and

* *Monumenta Franciscana*, p. 163.

† See p. 43, p. 46, &c.

‡ Particularly in the *Opus Minus*, p. 325, where the "Third Sin" against knowledge takes this professor for its especial text.

more detailed in its execution than any of its predecessors. It was posterior to them by several years, being composed most probably in the year 1271, the commencement of the pontificate of Gregory X.

"In this, the last of all his productions, Bacon states that he had been much importuned and long expected to write something useful for theology, but had been hindered in many ways, as many were aware (cap. i. l). Then, after urging his favourite subject of the causes and remedies of human ignorance in general, he proceeds to examine those which militated against theology in particular. 'Although,' he continues, 'the principal study of the theologian ought to be in the text of Scripture, as I have proved in the former part of this work, yet for the last fifty years theologians have been principally occupied with questions, as all know, in tractates and summæ,—horse-loads composed by many,—and not at all with the most holy text of God. And accordingly, theologians give a readier reception to a treatise of scholastic questions than they will do to one about the text of Scripture. For this reason I desire to oblige them first in that which they love most, as it is the first step of wisdom to have regard to the persons to whom a man speaks. Though, beyond all comparison, it demands much greater profundity, and it is a more difficult task to expound the text than to handle questions. Again, according to Aristotle, the natural way of knowledge is from the more easy to the more abstruse, from things human to things divine. I call them *human*, because the greater part of these questions introduced into theology, with all the modes of disputation and solution, are in the terms of philosophy, as is known to all theologians, who have been well exercised in philosophy before proceeding to theology. Again, other questions which are in use among theologians, though in terms of theology, viz., of the Trinity, of the fall, of the incarnation, of sin, of virtue, of the sacraments, &c., are mainly ventilated by authorities, arguments, and solutions drawn from philosophy. And therefore the entire occupation of theologians now-a-days is philosophical, both in substance and method (*modo*). Therefore I propose to set forth all the speculative philosophy now in use among theologians, adding many necessary considerations besides, with which they are not acquainted.'

"It is obvious, then, from the preceding remarks, that shortly after if not during the time of the composition of the *Opus Majus*, and other works included in this volume, Bacon meditated, and in great degree perfected, a vast, methodical, and encyclopædical treatise, embracing the different divisions of the sciences. Beginning with comparative grammar, as the most elementary and innate, he proceeded to the consideration of logic. Both of these he reckoned as accidental, not as principal sciences. The Arabian churl (as he is fond of quoting from Avicenna) knows grammar by instinct, and

every effort at reasoning presupposes the existence of natural before acquired logic. Knowledge of the languages is the first gate to the temple of wisdom. True at all times, in the thirteenth century this was specially true for Latin Christendom, which owed all its sciences, with the exception of the civil law, to books written in a foreign tongue, and possessed no original works in theology or philosophy. Latin, Bacon tells us, was understood and spoken, and even Greek. The latter was yet a living tongue. The Crusades had brought the knowledge of it to western Europe. Constantinople, the cynosure of western Christendom, presented the marvellous phenomenon of a people speaking and writing a language distinct from the Latin on one side, from the Hebrew and the Arabic on the other. It kept strict possession of the key which could alone unlock the secrets stored in the mysterious books of Aristotle. In that mine what treasures of wisdom still remained unexplored, what sphynx-like hints to the toiler in the laboratory, what new suggestions of generation and transmutation, of the occult qualities of substances, withheld from all but the initiated, and only half communicated to vulgar capacities in the imperfect versions of Michael the Scot, of Flemying, or of Herman. Language itself would be too feeble to describe how the world was athirst for the discoveries of the great philosopher. Suddenly introduced like the Arabian youth into a magic garden of golden apples and waxen fruits, it was puzzled and perplexed with its new-found abundance, yet craved and inquired for more."—pp. lv-viii.

Unfortunately, however, of this great work, which contained the results of his latest researches in every branch of science, grammar, language, logic, mathematics, astronomy, geography, chronology, arithmetic, and even music and drawing, only eleven chapters are now preserved, and in these but a small portion of the first-named subject is discussed. Part of this, however, is exceedingly curious and amusing, as well as full of interest, as an illustration of the state of linguistic studies in the mediæval schools, and still more of the eminent qualities of the author himself, which would have been remarkable in any age, but which must be considered little short of marvellous under the circumstances in which his work was composed.

"His labours in this respect have attracted less attention than they deserve. His biographers have complied too much with the popular apprehension of his exclusive attachment to experimental philosophy. In an uncritical age, when authority once established, on however insecure a foundation, escaped all further question, it was not an easy, still less was it a popular task to strike at the root of an evil, so deeply imbedded in the prejudices of the

times. With so clear an appreciation of experiment, as the only test of theory, like his successor and namesake, it is as creditable to his discernment as to his courage that he should have seen better even than Lord Bacon did, the paramount importance of philology, and urged it repeatedly on his contemporaries. It is amazing to hear a scholar of the thirteenth century insisting upon the necessity of constant reference to original authorities, as the only sure foundation of sacred criticism. A correct interpretation, as he warns his hearers, is not to be obtained, except by greater attention to original works and the careful collation of MSS. His labours in experimental philosophy, the sums he expended in the purchase of instruments, tables, and books has been mentioned already; his devotion to the cause of letters long before their revival in the fifteenth century is not less worthy of notice. 'The scientific books,' he remarks, 'of Aristotle, of Avicenna, of Seneca, of Cicero, and other ancients cannot be had except at a great cost; their principal works have not been translated into Latin, and copies of others are not to be found, in ordinary libraries or elsewhere. The admirable books of Cicero *De Republica* are not to be found anywhere, as far as I can hear, although I have made anxious inquiry for them in different parts of the world and by various messengers. And so of many other books of which I send extracts to your beatitude. I could never find the works of Seneca, until after the time when I received your commands, although I made diligent search for them during twenty years and more. And so it is with many more most useful books connected with the science of morals.' As an instance of the minute accuracy with which he prosecuted these philological studies, and the care he had taken in examining MSS., a specimen of Greek palæography will be found at the end of this volume, taken from his *Compendium Philosophiæ*, the earliest in all probability extant in western Christendom. In the same work he traces the analogy between the Greek and Latin alphabets, and the relation of Latin to Greek names; whilst in the lacunæ, which occur throughout wherever the original Greek had to be quoted, the clumsy endeavours of the transcriber to represent Greek words in Latin characters, show the justice of his complaints against the inefficiency of copyists, and the necessity of the reforms which he desired. To his treatise on comparative grammar, in *Corpus Christi College*, Oxford, he has subjoined a short Greek accidence, closing with the old paradigm of the verb *τύπτω*,"—pp. lxii-iv."

But it would carry us far beyond our prescribed limits, and indeed would be far from an interesting labour, to attempt a regular analysis of the works now collected by Mr. Brewer. It will be much more satisfactory if we advert very briefly to the most remarkable results which they present, as illustrating the nature of the studies of

Bacon, the extent of his acquirements, and the general character of his mind as presented in his works. We cannot do this more satisfactorily than by a few extracts, and by a short summary of the most striking of those views and opinions by which he is found to have gone in advance of the general mind of his age, and even to have anticipated many facts and theories, the credit of discovering which is popularly attributed to much more recent times.

There is one characteristic, too, of Roger Bacon's discoveries, and of the novel (for that age,) opinions which we find in his writings;—viz. that they are clearly not the result of happy accident, but legitimate and logical deductions from principles and facts already admitted in science, or ascertained by vigorous personal investigation. Thus it was already known that the phenomenon of the tides was in some way dependent on the moon; but Bacon does not fail to ascribe it to its true cause, the attraction of the moon and its influence in elevating the surface of the ocean at successive points, as they are presented to its action.

So again, he not only anticipated by four centuries the correction of the calendar, and recommended to Clement IV., in 1266, the reformation which was actually carried out by Gregory XIII. in 1692, but he explains most lucidly and satisfactorily in the *Opus Tertium*, as well the nature and origin of the error in the Julian calendar, as the means for correcting and preventing its recurrence, together with the principles upon which both are founded. We could hardly point to any single paragraph among the many dissertations on the Gregorian reformation of the Calendar, which contains the exposition of its nature and principles in a more succinct and intelligible form than what may be found at p. 274 of the present volume.

His theory of optics, too, is far in advance of the age. It is not alone that he anticipates the correct explanation of the phenomena of refraction, but he applies this principle to the explanation of many physical phenomena, which, although long known and observed, had been accepted by his predecessors as abnormal appearances, themselves the result of special laws, and inexplicable on any common principles of the general optical laws. We may be prepared, for instance, for his familiarity with the principles by which the formation of the rainbow is explained; but it is difficult to repress a feeling of absolute wonder, when

we find him pointing out, in language which might easily be supposed to be borrowed from the astronomers of the 17th century, the causes of the variations in the observed altitude of bodies at different elevations above the horizon, and the reason why all bodies when at the zenith are seen in their true place, unaffected by refraction. He lays down most clearly the principle of the telescope, and not only explains that on which the construction of the burning lens depends, but himself actually constructed such lenses of extraordinary power. It would be too much to say that he had divined the great secret of the composition of light; but there can be no doubt that he was well acquainted with, and had carefully observed, the phenomena of the solar spectrum; and that, at least as regards the resolution of the solar ray, he had reached the very verge of the main principle of the theory.

Of his mechanical inventions, either actually completed or at least projected, the most marvellous tales are circulated. He himself dimly hints at results which might seem but now, in our own days of progress, to have begun to receive their realization. In chemistry, too, although the popular notion of his having actually arrived at the successful composition of gunpowder is probably an exaggeration, there can be no doubt that his successes were extraordinary, and of a most comprehensive character. His own ideas of the nature and objects of this science were most exalted. "There is a science," he says in his *Opus Tertium*, "which treats of the generation of things from their elements, and of all inanimate things; as of the elements and liquids (*humores*), simple and compound, common stones, gems and marbles, gold and other metals, sulphur, salts, pigments (*atramentis*), lapis lazuli (*azurium*), minium and other colours, oils, bitumen, and infinite more, of which we find nothing in the books of Aristotle; nor are the natural philosophers or any of the Latins acquainted with these things. And as they are ignorant of these things, they can know nothing of that which follows in physics; *sc.*, of the generation of animate things, as vegetables, animals, and man; because knowing not what is prior, they must remain ignorant of what is posterior.—Wherefore, through ignorance of this science, the ordinary natural philosophy cannot be mastered, nor speculative and consequently not practical medicine; not only because natural philosophy and speculative medicine are required

for the practice of medicine, but because all simple medicines of inanimate things are derived from this science. For neither the names nor the significations of medicines can be learned, except from this science; that is, from speculative alchemy, which speculates upon all inanimate things, and the generation of all things from their elements.

“There is also an operative or practical alchemy which teaches man how to make noble metals and colours, and many other things, better and more copiously by art than by nature. And this science is more important than all that have preceded, because it is productive of more advantages. It not only provides money for a state, but teaches the means of prolonging life, so far as nature will allow it to be prolonged; for we die sooner than we ought for want of a proper regimen in youth, and owing to diseased constitutions derived from our fathers. But this twofold science of alchemy is scarcely understood by any; for although many throughout the world labour to make metals and colours, few know how to make colours truly and usefully; scarcely any know how to make metals, and still fewer to produce those things which avail for the prolongation of life. There are very few who can distil properly, or sublime, or calcine, or resolve, or perform other operations of this kind.”

It would be interesting, too, although the subject is less popular, to examine the views of Bacon on questions of criticism and philology, for which the present volume affords many most amusing and curious materials. But it would carry us entirely beyond our limits; and we must confine ourselves to one or two extracts, which we select quite as much for the facts which they contain regarding the various individuals who are enumerated, as because they show the peculiar cast of the writer's mind. The following is a curious scrap of mediæval history.

“‘If the saints,’ says Roger Bacon, and he says it in right seriousness, ‘made mistakes in their translations, much more do these men, who have little or no title to sanctity at all. So, though we have numerous translations of all the sciences by Gerard of Crenona, Michael Scot, Alfred the Englishman, Herman the German, and William Fleming, there is such an utter falsity in all their writings that none can sufficiently wonder at it. For a translation to be true, it is necessary that a translator should know the language from which he is translating, the language into which he

translates, and the science he wishes to translate. But who is he? and I will praise him, for he has done marvellous things. Certainly none of the above-named had any true knowledge of the tongues or the sciences, as is clear, not from their translations only, but their condition of life. All were alive in my time; some in their youth, contemporaries with Gerard of Cremona, who was somewhat more advanced in years among them. Herman the German, who was very intimate with Gerard, is still alive, and a bishop. When I questioned him about certain books of logic, which he had to translate from the Arabic, he roundly told me he knew nothing of logic, and therefore did not dare to translate them; and certainly if he was unacquainted with logic, he could know nothing of other sciences as he ought. Nor did he understand Arabic, as he confessed, because he was rather an assistant in the translations, than the real translator. For he kept Saracens about him in Spain, who had a principal hand in his translations. In the same way Michael the Scot claimed the merit of numerous translations. But it is certain that Andrew, a Jew, laboured at them more than he did. And even Michael, as Herman reported, did not understand either the sciences or the tongues. And so of the rest; especially the notorious William Fleming, who is now in such reputation. Whereas it is well known to all the literati at Paris, that he is ignorant of the sciences in the original Greek, to which he makes such pretensions; and therefore he translates falsely, and corrupts the philosophy of the Latins. For Boëtius alone was well acquainted with the tongues and their interpretation. My Lord Robert [Grosseteste], by reason of his long life and the wonderful methods he employed, knew the sciences better than any other man; for though he did not understand Greek or Hebrew, he had many assistants. But all the rest were ignorant of the tongues and the sciences, and above all this William Fleming, who has no satisfactory knowledge of either, and yet has undertaken to reform all our translations and give us new ones. But I have seen his books, and I know them to be faulty, and that they ought to be avoided. For as at this time, the enemies of the Christians, the Jews, the Arabs, and Greeks, have the sciences in their own tongues, they will not allow the Christians the use of perfect MSS., but they destroy and corrupt them; particularly when they see incompetent people, who have no acquaintance with the tongues and the sciences, presuming to make translations."—pp. lix-lxii.

This was no petulant assertion, hastily put forward in the heat of controversy. He repeats the same judgment deliberately on more than one occasion beside: "There are not four Latins," he says, in the *Opus Tertium*, "who are acquainted with the Hebrew, Greek, and Arabic grammar. I know them well, for I have made diligent inquiry on both sides of the sea, and laboured much in

those things. There are many persons among the Latins who can speak Greek, Arabic, and Hebrew, very few who understand the grammar of these languages, or know how to teach them, for I have put many to the test. For as the laity speak languages which they have learnt, yet know nothing of the grammar, so is it with these men. I have seen many laymen who spoke Latin admirably well, yet knew nothing of the rules of grammar; and so is it now with almost all the Jews, and even the native Greeks, and not merely with the Latins who understand Greek and Hebrew. For as the Jews and the Greeks have lost the wisdom of God, and with it the wisdom of philosophy, there are very few among them who can teach the grammar correctly, and give the rules and the reasons of it, as we Latins understand our grammar by the help of Priscian. And even when they do understand the languages, they know nothing of the sciences. And therefore they cannot translate or do anything useful, or intermeddle in studies to any good purpose, although they may be apt and indispensable assistants. First of all, then, we must have men skilful in foreign tongues, and these are not to be had without great expense. Then we must have many works in other tongues, *i. e.*, works of grammar, and the original texts of the separate parts of philosophy, that the falsities and defects in the Latin copies may be discovered. But these works and these persons are not to be had by any, except princes and prelates, as it is manifest."

And, in another passage, he accounts for these facts by the indifference which universally prevailed regarding all such studies, founded upon their supposed inutility and unpractical character. "Because men," he says, "do not know the uses of philosophy they despise many magnificent and beautiful sciences; and they say in derision, and not for information: 'What's the worth of this science or of that?' They are unwilling to listen; they shut out, therefore, these sciences from themselves, and despise them. When philosophers are told in these days that they ought to study optics, or geometry, or the languages, they ask with a smile: 'What is the use of these things?' insinuating their uselessness. They refuse to hear a word said in defence of their utility; they neglect and condemn the sciences of which they are ignorant. And if ever it happens that some of them profess a willingness to learn, they abandon the task in a few days, because they do not

see the use of these things. For they teach not their own use; but this is without them won by observation; as the utility of a house is not seen in the house, nor in its construction, but when the storms descend, and the robbers come, and other evils ensue."

On the subject of criticism, both biblical and classical, Bacon, although of course his materials were scanty and imperfect, entertained sound and judicious views. We have already seen with what earnestness he insists on the necessity of constant reference to the original authorities in sacred criticism. In like manner the efforts which he made to collect the best texts of the Greek and Latin classics will show that he was fully alive to the necessity as well as the advantage of collating MSS. as the only means of arriving at a clear and satisfactory text of any particular author. And it is worthy of note in passing, that the failure of all his efforts to obtain a copy of the long-lost *De Republica* of Cicero, serves to show that the disappearance of this work dates from a very early period in the mediæval time.

Had the *Compendium Studii*, which contained the results of his latest researches and most careful studies, come down to us in a complete form, we should have learned how far he realized these, and the many similar aspirations with which his earlier works abound. As it is, we can but form a conjecture as to how he would have treated those subjects in detail. The editor devotes a few paragraphs to a brief conjectural summary, which may form a not inapt conclusion for these observations.

"He ought, then, in conclusion, and in conformity with his design, to have treated of experimental philosophy and in particular of the sciences, confirming by special application the general and more abstract principles already sketched out. He had proposed to speak in detail of metals, plants, colours, animals, agriculture, medicine, and the like. How he would have treated these subjects we have some indications, in his experiments on light, his observations on the rainbow, on burning-glasses and lenses in general, on the magnet, on gunpowder, on grafting, on various mechanical contrivances, scattered throughout his published and unpublished works; but whether he ever completed these latter portions of the work has not been ascertained, although twenty years at least must have elapsed between its commencement and his death. Other causes than inability or disinclination may have intervened to prevent its execution. He had stated to Clement IV. that he wanted sufficient means for prosecuting inquiries into experimental philoso-

phy which the successful pursuit of it demanded. He had before impoverished his friends while compiling the answers he had sent to Pope Clement. He had pawned his own credit, and that of his relations. What was his reward? Was he ever repaid? It is to be feared not; it is equally to be feared that the Popes who succeeded Clement showed still less of a passing regard to Bacon, even if they did not, as tradition affirms they did, persecute the philosopher. With Clement died Bacon's hopes of a papacy, splendid for peace, and the regeneration of science. He could expect little from those opponents of his own order who were advanced to the papal chair. Friendless and alone, condemned to poverty by his vow as a Franciscan, regarded with suspicion, fettered by jealous restrictions, it is hardly probable that he could carry on experiments which he had found it difficult to pursue under more favourable auspices.

"That nothing but sheer inability, or some insuperable obstacle, would have prevented him from devoting his best energies to the more practical portions of his task, is evident from the whole course of his life and writings. Numerous proofs are at hand of his great regard for experimental philosophy. He considered it as the only security against vague theories, the chief remedy for the errors in speculation and practice prevalent in his age. If the world loves to contemplate the great lord chancellor of James I. retiring from the court or the parliament to his museum at Gray's Inn or at Gorhambury, laying aside his chancellor's robe to watch the furnace or count the drops from the alembic, the example of the solitary friar, with more scanty means and fewer associates justifying the value of experiments, in a darker and less favourable age, is not less interesting. So far as the prize is to be given to mere invention, Roger Bacon has superior claims to Lord Bacon. But as the discoverer of a new method, which has changed the whole face of science,—(for he must be called a discoverer who vindicates a truth long forgotten, or presents it in such a light that all must see and acknowledge its importance,)—in this respect Lord Bacon will always bear the palm alone. Roger Bacon did not live in an age when the value of Aristotle as the philosopher of nature could be appreciated at its true worth. He reprobated the mistranslations of Aristotle, but not Aristotle himself; he thought there were treasures still to be discovered in the books of his *Physics* and *Natural History*, and that better translations and more accurate texts would justify his admiration for the great Greek teacher. He still adopted the older distinctions of philosophy into pure and mechanical, and he ranked under the latter division many of those processes to which modern estimation has since given a higher name. Though in his practice a keen and sagacious experimentalist, in his exposition of science he adopted the deductive in opposition to the inductive method.

"To say that his aspirations far outstripped all that—he, or that

science in its most perfect state, could be expected to realize, is to charge him with no greater error than what is common to all enthusiastic, all great discoverers in every age. In common also with minds of great and comprehensive grasp, his vivid perception of the intimate relationship of the different parts of philosophy, and his desire to raise himself from the dead level of any individual science, induced Bacon to grasp at and embrace the whole. The errors in all directions, of which he was fully cognizant, perhaps something of the encyclopædical tendency of the age in which he lived, still more his anxiety to make all learning directly subservient to theology, led him to undertake so gigantic a task, which hitherto has set at defiance the energy and ambition of the grandest and most daring intellects. The noblest minds in every age have felt the strong necessity of resisting the tendency to dis sever the body of the sciences."—lxxx iii.

With the main purport of these conjectures we fully concur. But Mr. Brewer appears to decide too summarily the claim of the second Bacon to the title of originator of the Inductive Theory. We have often before entered our protest against the prejudice of English philosophers which regards the Inductive Theory as in reality of novel origin, and entirely unknown, whether in ancient philosophy or in that of the mediæval schools; although it certainly was not the method of these schools, which habitually followed the *a priori* method, yet it is equally certain that it was well known to each and all of the great schoolmen. But at all events, whatever may be said as to others, there can be no doubt that Roger Bacon was in the fullest sense of the word a master of the Inductive Philosophy. Hallam,* who considers briefly, but comprehensively, the question as to whether Lord Bacon was indebted to his mediæval namesake, evidently inclines strongly to the affirmative. In arriving at this conclusion Hallam rested solely on the *Opus Majus*, and especially on the Sixth Part. We are speaking within very moderate bounds when we say, that the volume since published confirms, if it does not add new evidence to the conclusion; and that there are many passages in each of the companion works now first published, of which, equally with the Sixth Part of the *Opus Majus*, it may be truly said that they present "the prototype, at least in spirit, of the *Novum Organum*."

* Middle Ages, iii. 432.

ART. III.—*On Nature and Grace, a Theological Treatise.* Book I. Philosophical Introduction. By William G. Ward, D. Ph., late Lecturer in Dogmatic Theology, at St. Edmund's Seminary, Herts. London: Burns and Lambert, 1860.

SINCE the first appearance of the *Tracts for the Times*, no work has issued from the English press that can equally claim the attention of Catholics with this of Mr. Ward's, the first volume of which has just been published. We feel even that we might, without fear of exaggeration, extend our cycle much farther back. For, in the whole circle of English Catholic literature there is not one work which comes before us with so many and so varied titles to our respectful consideration. Every one, however imperfectly acquainted with the wonderful movement which resulted in the return of so many distinguished members of the Establishment to the bosom of the Church, is familiar with the author's name. His bold and original views, the fearlessness—we might have almost said recklessness of consequences—with which he upheld them; the triumphant logic with which he defended himself and his party from their assailants; the rapidity of his approaches to the truth; the great University State Trial, in which he so signally discomfited his adversaries; the gallant fight he made for a position really untenable, his pre-judged condemnation, landing him as it were within that haven, in sight of which he had been so long tossing;—all these things combined to single out Mr. Ward from his fellow-combatants, and to invest him with an almost romantic interest. Others may have acted as the strategists and tacticians of the party, who arranged the plans of each campaign, and watched its progress to a successful issue. Others did valuable service as its diplomatists, orators, and advocates. Many toiled continuously, earnestly, and fruitfully amongst the rank and file. One there is whose name is still a word of power, whose magic influence will yet be felt for many a year, and whom posterity will reverence as the Agamemnon of the gallant band. But, amongst them all, there was no more honourable name, none more dreaded than the champion of the "Ideal Church." He was the represen-

tative of the chivalry—the Bayard—of the Tractarian Movement.

Some years after his return to the Church, Mr. Ward, although a layman, was appointed Professor of Dogmatic Theology at St. Edmund's College, Old Hall, by his Eminence Cardinal Wiseman, then Vicar Apostolic of the London District. This was a rare distinction, worthy alike of him on whom it was so justly conferred, and of the discernment of the able superior who selected for the instruction in the Sacred Sciences of the young Ecclesiastics of his Diocesan Seminary, one in every way so well qualified for so holy and responsible a charge. How he acquitted himself of his task we need seek no higher testimony, than the grateful recollection of his many pupils, who, by their exemplary lives and zealous discharge of the duties of the Sacred Ministry, afford the best pledge of the care, diligence, and ability of their Professor. After filling the chair of theology for eight years, Mr. Ward was compelled by ill-health to relinquish, what to him was indeed a labour of love. We need scarcely say, that he was followed in his retirement by the regrets of the students and the affectionate remembrances of his colleagues. But, though removed from the active duties of the professorship, Mr. Ward did not bid adieu to its more quiet occupations. On the contrary, he seems to have regarded his leisure as an opportunity afforded him, not so much for the re-establishment of his health, as for the more undisturbed pursuit of those theological studies which had been his chief business for so many years. He wished to be useful to those who could no longer hear his voice—to those who had had the benefit of his instruction, as well as to those who would not have enjoyed that great advantage. The first fruits of this solicitude we have in the volume, whose title stands at the head of this Article. It is but the introduction to a course which he yet hopes to publish. May this course itself be but a portion of the services which he may be spared to render to the Church.

The present work, when completed, will comprise a very large portion of the whole body of theology. The title itself sufficiently indicates the largeness of the field the author has chosen. "Nature and Grace" is a designation which might well stand for even a more comprehensive treatise than this will be. For, certainly, there is

no revealed doctrine, no branch of theological science which is not included under one or other of these terms, or concerned in explaining and developing their mutual relation and dependence. It is in this latter sense, however, that Mr. Ward has chosen it for his title. He proposes to examine those questions which bear on the condition of man with reference to Divine Grace; including, more as a matter indirectly necessary, than as falling within his primary scope, those other questions, which belong exclusively to either member of his title, but whose treatment is imperative for the fulness and completeness of his direct subject. In this way his work will include all those matters which generally occupy the partial technical treatises of the Human Acts, Grace, Justification, Providence and Predestination. This is certainly a large and coherent portion of the great bulk of theology, and one which may most aptly be designated by the title chosen by the author. So appropriate, indeed, is the title, that we are inclined to award to it the priority of invention; believing it not improbable that it has had more to do with the selection of the subjects which Mr. Ward is grouping under it, than they have had in its suggestion.

Strong as these claims on our attention are, they are neither the only nor the chief ones which this work possesses. The great reputation of Mr. Ward, the large space he filled in the Oxford controversy, the important position which his Professorship gave him in the English Catholic world, would be ample motives for receiving anything which came from his pen with respect and consideration. The broad tract of theology, which he has chosen for his labours, is one full of gravity, of difficulty, of the most serious moment. It comprises the whole duty of man, the detailed investigation of the multiplied and various means provided for his salvation. Under Mr. Ward's care we may hope to see it embodied in a treatise peculiarly useful in this Protestant country, complete in its account of the many errors which separate the great majority of the people of these islands from the true fold, and enriched with accurate arguments and copious illustrations. It is the first time that anything of the sort has been attempted amongst us. Hence, even its originality, apart from its intrinsic importance, and the just expectations we may entertain of its successful

treatment, should induce us to give this treatise a cordial reception. But, even all these reasons combined would not, we fear, warrant us in asserting for it that pre-eminence of interest which we claimed for it at the beginning of this Article. This we are inclined to attribute, chiefly, to the fact of its being written in English.

It is unquestionably a grave experiment this, of inditing a theological treatise in the vulgar tongue. We are very far from censuring it. We know that many very cogent arguments may be brought forward to show why this should be done, or at least how it may be profitably done, particularly in England. We feel confident that Mr. Ward, strong as his views and leanings may be in favour of adopting the common speech of the people for the language of his *Work*, would never have taken so important a step without the utmost previous consideration and thought; and under a firm conviction that it would receive the approbation of his ecclesiastical superiors. We shall therefore assume that the departure from the usual language in which theological science has been accustomed to conduct her inquiries since the days when the doctrine of Revealed Religion first assumed the form of a science, and the adoption of the vulgar tongue has been made after mature deliberation, and if not under the guidance, yet with the approval of the authorities. After all it is an experiment, and a very serious one; the result of which is very problematical, and quite independent of all previous forethought, calculation, or control.

There are no formal statutes of the Church, no canons of Councils, or decrees of Popes, prescribing, as in the case of the Liturgy, the language to be used in the disquisitions of theology, whether in books or in the lectures from the Professor's chair. If there were, of course, no question could be raised, no arguments need be alleged on either side. The thing would be quite settled; and our line would be perfectly clear. Whether one uniform tongue were to be employed, or the license of all the fluctuating modern dialects were permitted; we experience as little hesitation, either as to what should be done, or its propriety, as we do about the language of the Mass, the Divine Office, or the various rites and ministrations of our religion. But, although there has been no legislation on the subject, there has been a most unmistakeable practice, reaching up to the earliest date. We may not be agreed

as to the epoch at which the beginning of formal theological science should be fixed. Some may wish to place it in those remote times when Augustine, and Prosper, and Hilary, and the monks of Lerins, laboured to reduce the doctrine of Grace to technical language and precise propositions; illustrating their discussions by copious arguments drawn from those sources, which have since taken a recognized place in our text-books as the 'Common Places' of Theological Science; and connecting all into one whole by a rigorous demonstration. Others may seek these commencements in that dim age when Hincmar, Paschasius, and Haymon, and the other Fathers of the Frankish Church, were occupied in explaining the doctrine of the Eucharist, or vindicating the faith of the Church against the errors of the Predestinationists. Or, with the majority, we may fix this era in those brighter days when the Master of the Sentences first reduced the whole body of revealed truth to scientific form, and gave the example of that method of treatment which has ever since been pursued. But, wherever we place it, whether far away, or at a comparatively recent date, we shall find that theological science has invariably, from its dawn, used only one language (we speak, of course, of the Western Church, where alone theological science worthy of the name exists, or can exist)—the same which the Church has specially consecrated to her sacred functions—the Latin. Surely this practice, venerable for its antiquity, catholic in its usage, unbroken in its long line, hallowed by the conformity of the host of saints and doctors to what they clearly regarded as its exigency, comes down to us with all the magisterial authority of practical tradition. If ever there be such, we hold it here. Such a tradition ought not to be lightly passed aside, neglected, or violated; as most certainly it cannot be despised with impunity. We know its teaching, we are familiar with its spirit, we may be satisfied with the large experience it must have gathered in the vicissitudes of its long and world-wide career. But we are not so well acquainted with the new system, which it is proposed to substitute in its stead: we do not know its tendency, we are ignorant of the consequences to which it leads. Place them both side by side, the old traditionary practice, hoary with at least eight centuries of age, and the new plan. We confess that we prefer the ancient usage, We do not wish to

see the venerable expressions of the dogmas of our faith given up a prey to the ever-shifting currents of every modern dialect, couched in formulæ as discordant as the Babelish variety of the genius of each. Those sacred truths about whose enunciations Fathers and Doctors have written, and Councils have deliberated for years, would come to be included in sentences always unauthoritative, frequently obscure—now necessarily inaccurate, on account of the poverty of the language in which they would be set forth—and again by reason of its redundancy—always changing to keep pace with the progressive alterations of a living tongue. And all this would be done under no fixed law, according to no inflexible principle. It would be, in a great measure, dependent on the individual caprice or view, ignorance or supposed knowledge, of each one who might choose to bring out a theological treatise; and could, with great difficulty, be guided and controlled by authority.

We have not forgotten, all this time, some facts, apparently of an opposite tendency, which will have been sure to occur to the recollection of some of our readers. On the contrary, we have, while stating our views of what we conceive to be the usage of the Church in this matter, been anticipating a very plausible objection which may seem to arise out of these facts. We can well imagine some one protesting against our assertion, that Latin has always been the language of Theological Science, and appealing to what has taken place, and every day takes place, in Italy, France, and Germany. In those countries it is not at all unusual to meet with treatises on theological subjects in the vulgar tongue. To confine ourselves to Italy—where we may suppose the writers to be more intimate with the feelings and spirit of the highest Ecclesiastical Authority, and therefore, if not more anxious to conform their practice to its wishes, at least surer not to stray from the right path—there the practice is notorious. Witness the many works in the last century on the Jansenist controversies, on the primatial rights of the Holy See; the treatises of Bolgeni on *Il Possesso, l'Episcopato, Lo Stato de' Bambini*, on Usury and other subjects, all composed and published under the shadow of the Vatican. Nay, one of the greatest Ecclesiastical works of the last century, Bianchi's *Polizia della Chiesa*, in six quarto volumes, published at Rome in the early years of Pius VI., is in Italian. Even in our own times, we have had scores of

Italian pamphlets on subjects, some of them very subtle and recondite, arising out of the Rosminian Controversies. It is only the other day that Father Perrone published a controversial work on Protestantism, in Italian. Nor is it merely dogmatical topics that are discussed in these Italian treatises. Their subjects are often moral; sometimes even questions which are the least susceptible of that popular manipulation inseparable from discussion in the popular language. A similar state of things prevails in France. As to Germany, it is too well known to need illustration, that text-books of theology are published, and professorial lectures delivered, in German. Certainly, all this must go far towards establishing a very liberal discount off the universality of Latin as the language of theological treatises.

We cannot recognize the case which these instances may be supposed to make against us. This is not merely on the ground, that "exceptions prove the rule," but because we do not look upon them as exceptions at all. We have been speaking of the language of works treating *ex professo* of the great body of Theological Science *as such*; and especially of those which treat of it as "courses" intended for the instruction of theological students. It is with regard to these two classes of theological works that we have been insisting on Latin as the traditional language of theology. Now all the Italian and French instances, which may be quoted to the contrary (we are not of course concerned with works confessedly *male olentes*), are but cases of pamphlets, essays, contributions to periodicals, critical commentaries, or similar productions. Some of them are papers read before learned societies, and published either in their original or a more expanded form. Others are popular tracts, intended to counteract the evil tendency of treatises in a like form, which had been disseminated through a circle more or less extended. Others, again, were historical or critical dissertations, directed to clear up or resolve some obscure or doubtful passage, fact, or monument. Their language might be stiff or flowing, their method loose or scientific, according to the taste, disposition, training, or aim of the writer. But they deserve the title of theological treatises as little as this very Article we have in hand. No doubt they might include a great deal of dogmatical reasoning, orthodox or heretical. They might contain a fund of

novel information and original argument most valuable to the theologian. Some subtle and profound thought, some hitherto unexplored mine of proof might lurk beneath their unpretending and ephemeral exterior. They might disclose some new reading, they might decisively dispose of some long contested fact, or passage, and so triumphantly refute a whole army of difficulties and objections. But all this would not advance them to the dignity of a formal theological treatise. There are indeed some two or three vernacular works on moral subjects which seem to approach very near the character of a formal treatise. But they will be found to have been composed to meet some special and exceptional exigency; and their fewness is a convincing proof of the prevailing contrary practice. It is worthy of remark, that in one of them, which is most akin to a formal moral treatise—the *Parroco bene istruito* of St. Alphonsus—an integral portion of the work remains in Latin in the midst of the vernacular Italian. As for the examples of vernacular composition, which might be drawn from German theological literature, they unfortunately attest a state of things which is, thank God, fast passing away; and over which we ought rather to be anxious to draw a veil, than to expose it to view, much less to propose it for imitation. There was at the close of the last century a terrible schismatical spirit abroad in Germany, which, as it arose from many causes, so it was fostered by many influences. It worked in harmony with the political circumstances and the legislation of the day, and was in turn re-acted on by them and by the general irreligious tone of society. This is the origin and rationale of the abandonment of Latin and the adoption of the native tongue in the teaching of theology. The marvel is that things did not run their full logical course; and that, as the Religious Orders were abolished, and there were proposals for a married clergy, so the Mass was not ordered to be celebrated in German. Surely such antecedents ought to render suspicious, as they must taint any practice which originated or was associated with them.

The fact is, that as invariable practice would alone be sufficient to account for the use of Latin only as the textual language of Theology; so there is a traditional spirit which effectually prevents any departure from the custom. Those vernacular productions which we have

been considering are popular pamphlets addressed to instruct the faithful in general in their duties, or to warn them against some error or evil practice which threatens them. Or they are literary or critical essays on subjects connected with theology, or integral portions of it. They constitute a province—and a large one, if you will—of theological literature. But they can no more be accounted theology itself, or theological treatises, than, to use a very imperfect comparison, can an essay on ‘Drift,’ or on some palæontological specimen, be regarded as a complete manual of Geology; or a pamphlet on the Reform Bill be considered a perfect treatise on Politics. Besides, they occupy, not the first, but the second stage of theological literature; not the earlier, but the later years of the life of the theologian. They are the products of the learned leisure of men, who have been trained in the theological schools, have been imbued with the theological spirit, have studied those treatises from which alone theological science can be learned. Before them, beside them, independent of them, there is the science of theology. That science addresses itself to a special class, and not to the world at large. It is a professional science, so to speak, like so many others; and is mainly intended for those only who are engaged in the ministry of the Church, or are preparing themselves to be admitted within the ranks of her hierarchy. Therefore, it uses the language of the society, the great corporation, to which exclusively it belongs, it adopts it in its text-books, it speaks it from its professorial chairs, it is its mother tongue. All its authentic documents, the laws which it expounds, the decrees which it comments and explains, the solemn decisions which it establishes and illustrates, all its authoritative monuments, are in Latin. The definitions which it uses, the terms which it must employ, are all laid down for it beforehand; it cannot change them, or substitute others in their place: they are all in Latin. Did it speak any other itself, its treatises would be pieces of most unsymmetrical mosaic. The Church has in every age prescribed certain formulæ as the expressions of her dogmas, which must be accepted as they stand, and which she will permit none to vary. Is it likely that she would view with favour the unauthoritative substitution of other modes of expression; especially in the instruction of those youthful Levites, on the soundness and accuracy of whose

knowledge of her doctrines must depend the purity of the faith of all her future children? If, then, all the substance of the theologian's science must be conveyed in Latin; even for the sheer sake of unity of form and general accuracy, his whole treatise ought to be written in the same tongue.

These considerations appear to us to go further than establishing the traditional usage of Latin as the language of theological treatises. They suggest those reasons of congruity without which it is impossible to conceive the existence of this universal usage, or its permanence through the vicissitudes of so many centuries. Those reasons of congruity are so special to the science of Theology, and, at the same time, so general in their application to all its formal treatises, that they cannot be overborne by arguments drawn from vague considerations of more extended usefulness, which can find no place here, or from the general current of scientific progress, which cannot have the smallest influence on Theology as such. For these reasons, it would be idle to seek, with regard to Theology, a parallel case in the change which has come over the scientific language of Europe. There was a time, it might perhaps be said, when Latin was the language of the learned. In it every work of science, every thing which was thought worthy of being read in a larger circle than one's own immediate neighbourhood, or of being preserved to a future age, was composed. Now all this is changed, and scientific works are composed in the modern languages of each nation. This is a change which can never include Theology within its sphere. The educational position of Latin has been very much altered within the last hundred years. A century ago, it was almost the only language generally cultivated; and a knowledge of it was simply imperative for any one having even the smallest pretensions to education, or who wished to be acquainted with the discoveries and researches of learned men, either in his own or in foreign countries. Now this is no longer the case. At the same time, human science has become so vast, so ramified, and at the same time so blended together, it is pursued by so many who are not familiar with the learned languages, that it has ceased to be possible to record its researches in one tongue. The secular professions have, in consequence, become more mutually dependent on each other. They

are open to every man who may feel inclined to embrace them. The special sciences on which they depend are useful for a variety of objects besides. Their members in the exercise of their daily avocations—nay, in the direct pursuit of their professional knowledge itself—are brought into constant and most varied contact with their unprofessional fellow-citizens. Hence it is only right and proper, that the language of their craft should be the ordinary speech of their country; just as there is, in general, no direct professional obligation or necessity, that they should themselves be acquainted with any other tongue. Very different is the position of Theology. The day can never come so long as the Church lives on earth, when the teachers and the taught will be confused in their respective spheres of rights and duties. Theology is the exclusive property of the former body; it exists for them, to organize and perfect their knowledge, to prepare them for the proper discharge of functions which they only can fulfil. It may in its scientific form advance and receive development. But its *corpus doctrinæ* is coextensive with the Divine Revelation delivered to the Apostles, and preserved by the Church; it is incapable of expansion. Its guiding principles, the sources of its information, the only authentic elements on which it can be based, are the constant unchangeable possession of the Church. It is the science of the Pastors and other Ministers of the Church, considered in their hierarchical capacity; it is intended for them, it is independent of all mere human knowledge. We cannot better explain, and at the same time confirm this, than by referring to the teaching of that famous Catechism drawn up in compliance with the expressed wish of the Tridentine Fathers, and which bears their name, and is itself a work of authority. Nothing is more frequently to be met with in this Catechism, than the distinction of things which are explained for the fuller information of the Pastor, and things which he is himself to make the subject of his instructions to his flock. We could not suggest a plainer distinction than this between "Christian Knowledge" and the "Science of Theology." The language then of this "Science of Theology," which is the property of the Pastors and Ministers of the Church, ought obviously to be that one tongue which the Church has appropriated to herself, in which she always *officially* speaks, and which all her Ministers *must* know.

A little reflection on these considerations will explain a line of conduct, which the Church has invariably pursued ; and this conduct will itself confirm the view we have been pressing on this whole subject. We never find among the Acts of any General or local Council a provision for translating the Canons and Decrees, drawn up in Latin, into the vulgar tongue. But we find innumerable precepts, addressed to the Bishops and Clergy, to instruct the faithful in sound doctrine. The very same Council of Trent, which so strongly inculcated the obligation of Pastors to warn their flocks against the errors of innovators, and to explain to them the genuine faith of the Church, never dreamed of having its dogmatical decisions on Original Sin, on Justification, and the Sacraments, translated into every modern dialect, and so brought within the reach and the criticism of every unlettered man in Europe. It knew full well the impossibility of such a task. The venerable assembly, that had toiled in successive congregations, examining word after word of a dogmatical definition, in order to secure the accurate expression of the truth, would have regarded as an insidious enemy of the faith any one who would have proposed to imperil that accuracy by sending those decisions to lead the roving life of a modern dialect. With all this before our minds, it seems very difficult to resist the conclusion, that the *science* of Theology is intended for the Clergy in their professional capacity. Their special, their professional language is Latin. The terms, the definitions, the formulæ of this science are all couched in Latin ; they are of constant recurrence in its investigations ; they are either not susceptible of accurate rendering into a modern tongue, or their translation ought not, generally, to be undertaken. Hence it comes to pass, that all theological treatises—at least all those that a good son of the Church would wish to propose to himself as patterns—have been invariably written in Latin.

We have pursued this subject much farther than we intended. But every detail connected with Theological Science is of the gravest importance ; and, much more so, any practice which may more or less influence the accurate transmission of that sacred deposit of faith which was confided by the Redeemer to the Apostles, and has been handed down through their successors to the present day. We said at the commencement of these remarks, that cir-

cumstances may well exist which will warrant a departure from the universal custom in particular instances. We feel satisfied that this Work, being written in English, will prove to have been composed under such circumstances; as Mr. Ward could never intend to contravene any ascertained traditional practice of the Church. It is obvious that any religious work, dogmatical or otherwise, whether detailed or compendious, intended for the instruction of the laity of these islands in the truths or practices of their religion, must be written in English. It is also clear, that any similar work, whether conceived in a controversial or purely didactic spirit, intended to circulate amongst Protestants, even of the more highly educated class, would in a great measure fail of its object, if written in another language. The same observation will frequently apply to works on Canon Law, and in a special manner to those on Ecclesiastical History. For all this we have ample precedents of high repute. But our remarks apply only to formal treatises on the science of Theology. In their case we have a wide, unbroken line of Latin precedents; and none, or at all events none such as will commend themselves to a true Catholic heart, of vernacular composition. The simple reason of this is, that they are intended not for general but for special use, not for the people but for the Clergy, not for the *ecclesia docta* but for its teachers. Hence we consider that a scientific treatise on a most important, extensive, and difficult portion of Theology, in English would be a great experiment; and in this light would deserve, as it would be sure to receive, the greatest attention. Its progress would be most jealously watched; the tendency of the movement, should it meet with sympathy (and we cannot doubt of this where a great work of Mr. Ward's is concerned), would be diligently observed, its results carefully noted and studied.

After all, we are reminded, that the volume before us is but the first of a series, and that its character is purely philosophical and not theological. Its contents are likely to interest a much larger circle of readers, than those of its successors, which will comprise the strictly theological portions. And therefore, for this reason alone, quite independently of other grounds which would find us among their most strenuous supporters, it has been most wisely and properly written in English. An introductory volume on Philosophy in English, may be a most appropriate ves-

tibule to a Latin Theological treatise. There would be nothing more incongruous in this, than there is in the course of many a Continental University; where the treatises and lectures on Metaphysics and Moral Philosophy—treatises and lectures which are studied and frequented by Ecclesiastical students—are in the language of the country; while those on Theology are in the time-honoured language of the Church. Besides, we know not the character, the scope, the method of those theological volumes which are yet to come. These considerations must, as we have already said, materially influence their speech, as well as their composition. If in our remarks we have been able to establish clearly what is the practice, which most commends itself to the traditions and the genius of theological science, as to the language of its treatises, our time has not been ill spent. We are sure that Mr. Ward will not regard them as conceived in any spirit of censure of the method which, under all circumstances, he may think best to adopt.

The present volume is the "Philosophical Introduction" to the grave questions which will form the staple of the treatise. Under this modest title Mr. Ward has given to the Catholic public, if not a complete treatise on Moral Philosophy, at all events an elaborate and finished one, clear, copious, and thoroughly well put together. We may well be borne with, if we hail it with the warmest greeting. On more than one occasion we have felt ourselves called upon to comment on the absence of philosophical works, whether written by Catholics or Protestants, from the muster-roll of English literature. The deficiency is being gradually supplied by Protestants. But Mr. Ward has the high honour of occupying the van amongst ourselves. This is the first philosophical work of any consequence which has been published by a Catholic in these kingdoms, since Catholics ceased to be their only intellectual as well as physical inhabitants. This chronological priority would alone entitle it to our gratitude and attention. But this is the least of its merits. Right worthily in every respect does it fill its foremost place in a series which, now that it has commenced, we may hope will be of long continuance. Its typography (although this is a point where in these days we should be more ready to blame shortcomings, than to praise correctness,) is faultless. The composition is most methodical and painstaking: the

style clear and easy; inclining rather to the fulness of the Lecture, than to that conciseness, which is the usual feature of formal treatises. It does not profess to be a detailed manual of Ethics; it aims only at explaining and discussing those portions which will be of use in the subsequent volumes. Yet it enters into these so fully, it investigates them so profoundly, its views are, in the main, so sound, so accurate, so clearly put, and so well established, that it must be regarded as a faithful mirror of Catholic Philosophy. Always logical and precise, always intelligible, so far as the subject would permit, to the meanest and most untutored intellect, ever careful to tread in the path beaten by his great predecessors for so many ages, Mr. Ward has known where to turn aside, and has not hesitated to do so—not to “innovate” in a region where Truth is ever Ancient—but to point out a shorter and less impeded road. And, rarest gift of all, a modesty and diffidence evinced in most unusual ways; a simple ingenuousness, which can only be found associated with the most favoured minds, pours its light over pages already so bright, that they needed not this additional lustre.

We have yet a little more to say by way of general preface to our closer criticism. This volume, while professing to be only an “Introduction,” is, as we have already intimated, a large and most comprehensive work. It extends through nearly six hundred pages. It appears to us to divide itself into two parts, each of which would fill a moderately sized volume. The first part of it lays down the more general philosophical principles which, in the Author’s opinion, ought to be carefully studied and mastered before a student addresses himself to the Philosophical questions which are to come after. The second part proceeds to the investigation of the systematic details which follow from these principles, and which make up the bulk of Ethical Science. We could not, with justice to our readers, to Mr. Ward, or to ourselves, attempt to convey an idea of the whole work within the ordinary limits of a review. We shall therefore content ourselves, at present, with examining what we have called the first part of the work. Another opportunity will, we hope, present itself for considering the second part, and so completing our survey of the whole.

The Preface gives an account of the plan of the whole work. Mr. Ward assumes the *Summa* of St. Thomas

as "the recognized model for a scientific arrangement of Theology." We cannot quite agree with this assumption. Were the *Summa* the recognized model, it must be on account of either its matter, its arrangement, or its method. Now, under none of these respects does the *Summa* come up to the standard, which any one will mentally set down as necessary for a "recognized model." As to its matter, the *Summa* is both redundant and deficient. Fully three-fourths of the "Pars Secunda" should be excluded from the limits of a strictly theological treatise, as consisting of questions which belong rather to the domain of Psychology. A similar objection applies to many questions in the other parts. The objection of deficiency is still more glaring, and is admitted by Mr. Ward. There is not a syllable about the Church, or the Roman Pontiff; about Indulgences or the *Cultus Sanctorum*. The questions on Grace are naturally those which had arisen up to St. Thomas's time, chiefly bearing on the general principles, and the Pelagian and Semi-pelagian controversies; there is nothing, or comparatively nothing, which is specially available with regard to the difficulties started by the Reformers and Jansenists. It may be said that the *Summa* is not complete. Death interrupted it at the ninety-third question of the *pars tertia*; all which follows is the compilation of another hand. But this is an additional argument for not regarding it as a perfect model of theological composition. As to the arrangement of the topics: the strongest reason for not looking upon it as a model in this respect is to be found in the fact, that none of the great school treatises have followed its order. There may have been abundant motives for the deviation, without imputing any imperfection to the arrangement of the *Summa*. But it can hardly be looked upon as "the recognized model" if no author engaged in compiling a treatise for the schools has followed its example. Cajetan, Vasquez, Suarez, and the host of commentators cannot be appealed to on this point. They merely took up the work of a great theologian, and edited it with copious explanatory and supplemental notes. They enter into the argument only when considered as original authors. In this capacity they will not be found to give an unlimited approval to the arrangement of the *Summa*; at least, so far as we may conjecture from their general departure from it in their own treatises. The

truth is, the arrangement of the *Summa* is not original, any more than its method. Both are common to St. Thomas with the other Scholastic writers of the period. Both are in their main outline derived from the Master of the Sentences. As we recede from the Middle Age we find a change in both. In Cardinal de Lugo we find but few vestiges of either: in Bellarmine none at all. With Bellarmine the modern period may be said to have arisen. Its plan of treatment had to undergo vicissitudes of progress, similar to those which marked the Scholastic system that culminated in St. Thomas; until, in the work of Tournely, we had a complete model of the modern theological treatise. Did we seek an unanswerable instance of how far the age of Suarez had receded from the treatment of the *Summa* in matter, arrangement, and method, we have it in the great work of Petavius, which, with a few merely textual additions and critical improvements, could pass for the production of our own day. As to the method of discussion pursued in the *Summa*, we have already said that it was the usual one of the period. We may add, that it was laid aside by the later Scholastics as too intricate, and as interfering too much with the connection and scientific unity of their investigations. It has never appeared in any of the modern treatises. It does, indeed, seem in the opinion of many, an unnatural process to begin by stating the objections to a position before its meaning and purport have been explained, and before a single argument has been adduced to commend it to the acceptance of the reader or listener.

The great reputation of the *Summa*, and the first rank which it holds in theological literature, are quite independent of those characteristics which must be found in a treatise holding the position of a model work, on which future treatises ought to be fashioned. They arise from critical rather than methodical considerations; from the fact that this is the greatest production of the greatest intellect of his own, or perhaps of any age, of the most learned and cultivated mind of the scholastic period; that it is his most cared work, the fruit of the labour, the research, the thought of his maturer years. As a vast body of information, accurate, compact, and complete, as far as it goes, it is unrivalled. For clearness of statement, for precision of view, for close irresistible logic, it has seldom been equalled, never been surpassed. Six hundred

years have now elapsed since its first appearance. During all that period it has been looked up to as a work of authority on the faith and moral teaching of the Church, second only to the collective writings of the fathers; and this not merely by theologians in the exercise of their special pursuit, but in the discussions of general councils, and the deliberations of the Roman congregations. Its explanations and expressions of revealed doctrine have never been questioned. On most of those points, which have not yet been decided by the Church, the views it advocates are those which find most favour with commentators and theologians. Even on purely philosophical questions, its teaching has been followed by the great bulk of the Catholic schools. This is an amount of sympathy and adhesion which no other human work has ever received. Thus, although the modern treatises of Tournely, Perrone, and all the others, are cast in a very different mould, and so the *Summa* has long since ceased to be the model on which the theologian will order his work; it will ever continue to be the standard by which he will test its solidity and accuracy. He does not borrow from it the form of his speech; but he goes to it to learn what to say, and how he may say it most briefly, convincingly, and tellingly. Hence, it is clear, that the difference between Mr. Ward and ourselves, in the exact circumstances before us, comes to be one of expression only. For no where, certainly, could a writer more securely turn, than to the *Summa*, for guidance in the selection of topics and in their scientific grouping.

Looking on the *Summa* in this aspect, as at the same time the great garner, and the beacon of theological science, our author adverts to its triple division, containing three distinct heads of subjects. The first part treats of the Divine Nature and Attributes, the Trinity, Angels, "And a certain somewhat miscellaneous assortment of subjects which stand in later treatises under the general head *de Deo Creatore*. The *Pars secunda* makes a fresh start altogether: and resting its foundation on the observed facts of human nature, proceeds (in its two subdivisions of *prima secundæ*, and *secunda secundæ*) to consider the various constituents of human action; the rules of life obligatory on man; the nature of virtue and vice; and other matters of the same kind: crowning the whole with the doctrine of Divine Grace."—Preface, p. viii.

The third part treats of the Incarnation and the Sacra-

ments. Now, a full treatment of the Incarnation presupposes on the one hand, the doctrine of the Trinity, and on the other, many matters which have been treated in the second part.

"Part, then, of St. Thomas's doctrine in the *pars tertia*, depends on the *pars prima*, and part on the *pars secunda*. But the *pars prima* and *pars secunda* themselves, are mutually independent. Thus the foundation of the whole body of theological science (as represented by the *Summa*) is composed of two independent portions; and its superstructure rests upon both. There are one or two doctrinal matters, which may be studied as satisfactorily, in one order as in the other. But in regard to far the greater number of doctrines, which compose this scientific superstructure, the case is otherwise; and it is of very considerable importance, if we wish to master them at all thoroughly, that we study them in their due scientific place."—Preface, p. ix.

By "independent portions," the author means portions of science either of which may be indifferently studied first. The doctrines of the *pars prima* and of the *pars secunda*, are respectively independent; "it is a matter of indifference, *which* is studied before the other." But the questions of each must be studied not in any arbitrary order, but in the succession of their strict scientific dependence.

We shall cite the author's description of the general plan of his whole work in his own words.

"That portion of Theology then, to which I give the title '*On Nature and Grace*,' is the latter of those two independent portions above mentioned. It includes all those revealed truths which relate directly to each man's moral and spiritual action or condition: all those which concern his individual relations with God, his true End; whether he be tending *towards* that End, or moving unhappily in the opposite direction.

"These truths, as will at once be manifest, are almost exclusively confined to the contents of St. Thomas's '*Pars Secunda*;' yet there are one or two additional matters, which it falls within my plan to introduce. One of these is the state of Original Justice. How can the doctrine of Grace be understood, without considering Original Sin? Or how can the doctrine of Original Sin be understood, without considering Original Justice? The propriety of this introduction then, is (I hope) most obvious.

"There is another assemblage of truths, which I hope to introduce from the '*Pars Prima*,' viz., those which appertain to God's Providence and Predestination. A moment's thought will show,

how completely these truths are included within the description which I gave, as to that portion of Theology which I undertake ; for nothing *can* more closely concern man's individual relations with God his True End. The doctrine of Providence and Predestination, just as the doctrine of Grace itself, considers, on the one hand, the effect of God's Agency on man's free acts ; and considers, on the other hand, the reciprocal bearing of man's free acts on God's Counsels and Agency. The connexion between the two is close and indissoluble.

"Once more. The doctrine of Justification is most strictly within the compass of this treatise. And yet it is impossible fully to discuss it, unless we carefully consider the qualities of that 'attrition,' which suffices for an adult's justification in the sacraments of Baptism and Penance. Thus we are led to some little encroachment on the '*Pars Tertia*.'

"Still, on the whole, this treatise, as I have said, will not go beyond the ground covered by the '*Pars Secunda*.' And it will naturally divide itself into five books, of very unequal length ; as follows :—

"Book 1st, Philosophical Introduction.

"Book 2nd, Theological Prolegomena.

"Book 3rd, On Man's Moral Action.

"Book 4th, On Divine Grace.

"Book 5th, On God's Providence and Predestination."—Preface, pp. x-xii.

Coming now to refer, in somewhat greater detail, to the contents of this first Book, our author asks, in what do Theology and Philosophy differ ?

"The answer which meets us on the surface is of the following kind. 'Theology and Philosophy are mutually exclusive. Philosophy is produced by Reason exercising itself on those data, which Reason itself declares ; Theology, by Reason exercising itself on those data, which are known only by Revelation. If a truth can be deduced from Reason and Experience alone, it appertains to Philosophy. If it can only be known through Revelation, to Theology.'"
—Preface, p. xiii.

A single instance, he well remarks, is sufficient to shew the inaccuracy of this statement. All Catholics are agreed in holding that Reason alone is able to establish the existence of an Infinite Being, and from this datum to deduce readily all His principal Attributes. Yet, no one will venture to say that the consideration of these same Divine Attributes is *totally external* to the province of Theology. Certainly "the universal and continuous practice of the Church, and the instinctive feeling of every

Theologian" would *prescribe* against such a proposition. "Theology is produced by the exercise of Reason on those truths which the Apostles committed to the custody of the Church." But it is a mistake to suppose that *all* these truths are of a kind which Reason by itself would be wholly unable to establish.

"Certainly no announcement occupied a more prominent place in the apostolic teaching than this; that a Divine Person, clothed in human nature, had visited this earth; that He had died an atoning death; that upon that death He had built an Universal Church. Now it was impossible for the Apostles to teach this doctrine, without teaching in its company the doctrine of the Blessed Trinity; and it was impossible for them to teach the Trinity unless there already existed a clear and full apprehension of the Divine Unity..... The revival, then, in all their purity, of those doctrines concerning God, which reason by itself is able to establish,—this was among the very first enterprises which it was necessary for the Apostles to set on foot. These doctrines, as all must admit, are to the full, as integral and indispensable a part of the Apostolic teaching, as are the Trinity and the Incarnation.

"But again. This Person, as being the Incarnate God, was to be the One Pattern and Exemplar of sanctity in the Church through every age. Will any one say, that the ideal of virtuousness, then prevalent in the heathen world, approached ever so distantly to this Divine Type? Here, then, was another achievement, which it was absolutely necessary to accomplish. The prevalent ideal of virtuousness was to be radically reformed; the existing notions of good and evil, were to be almost revolutionized; in one word, the *natural law was to be republished....*

"But in truth there is a reason, even deeper than either of these two, why the republication of true moral principles was so absolutely indispensable an element of Christian teaching. Why did God the Son clothe Himself in our nature and die on the Cross? that He might raise men to salvation hereafter, by raising them to sanctity here. Sanctity, and salvation,—here is the very end for which Christianity was given. Certainly then it cannot contain any more vital or more integral doctrine, than its declaration of what sanctity *is*.

"There is a considerable body of truth then, which is in itself capable of being established by Reason, but which is nevertheless so primary and prominent a part of the Christian Revelation, that no other whatever can possibly be more so. Theology, it is true, is founded exclusively on '*principia revelata*:' I only say that of these '*principia revelata*,' there are some most important and essential, which might have been known by Reason had there been no Revelation. This body of Dogma belongs as simply and absolutely to Theology, as do the very doctrines of the Trinity, or of

Habitual Grace: and yet in another very true sense, it belongs to Philosophy also. It is desirable to give it a special name....I will call this body of truth, then, the 'Higher Philosophy;' using this term in a somewhat technical sense. This Higher Philosophy will be found to consist of three principal divisions: (1) the doctrines '*de Deo Uno*;' (2) the Truths of Morality; (3) various portions of Ethical Psychology...."—Preface, pp. xiv-xvi.

In support of his statement, that various parts of this science belong in the strictest sense to Theology, the author enumerates several questions of a most practical bearing on man's daily spiritual progress. The answers to these questions must be found in the body of revelation. "On the other hand, these same questions are no *less* strictly psychological, and are amenable to the tribunal of consciousness and experience. How strictly theological is the discussion of" the most constant and palpable phenomena of our inward life? "Yet what is such a discussion, except a psychological analysis?" The present volume is entirely occupied with this part of Philosophy.

The author next alludes to the spirit of deference to the Church, in which every Catholic philosopher is bound to approach such subjects.

"Undoubtedly, whatever part of Philosophy be investigated by the Catholic, he owes implicit obedience to the voice of the Church. Whether he be studying the deep mysteries of Space and Time; or the geological conformation of our planet; or the planetary universe in general;—on all these subjects the Church possesses indirect authority. In all these investigations, she has the fullest right of peremptorily interfering, whenever she judges that any scientific conclusions lead to consequences, at variance with that doctrinal deposit which is committed to her keeping. But such interferences are of course most rare; nor are they founded on any kind of authority which she possesses over secular science *as such*. They are founded on the obligation under which she lies, of protecting her own science from invasion and detriment; and on the privileges with which she has been invested by God, for the fulfilment of that obligation.....But when we are handling such subjects as those with which the present volume is occupied, the case is most different. We are on the Church's special ground. We must look to her at every step for guidance: we must carefully direct our course by those landmarks, which she has so plentifully provided; or some disastrous misadventure will result.

"But it is impossible for me to speak in this way, without calling to mind the possibility, that this volume may come under the

eye of Protestants. They will read such language as the above with so much indignation and impatience, that it seems desirable to say something on its manifest reasonableness."—*Ibid.* pp. xviii-xx.

Protestants look upon our deference to the teaching of the Church, as calculated to fetter the intellect and enslave the soul. This language may mean a denial of her infallible authority; and then it is beside the question. For obviously, he who denies the *fact* of the existence of an infallible guidance on which we may lean—tacitly conceding the *principle*, that, if such guidance existed, we should defer to it—cannot really regard our submission to the Church, which has been divinely commissioned to teach all truth appertaining to salvation, as calculated on *principle* to fetter or enslave the intellect. The reply to the question of *fact* "would be a discussion of the grounds on which the Church's claims repose"—a discussion which does not come within the scope of these volumes. But this idea of "fettering the intellect and enslaving the soul may bear another interpretation.

"I cannot help thinking that Protestants do often mean something more definite, when they use such language. Some such statement as the following may perhaps correctly express their objection. 'Of course, where truth is to be received, which is above the sphere of the intellect, an unquestioning acceptance of God's Word is our only mode of arriving at it. But within the region of Philosophy, the intellect should reign supreme and uncontrolled. Wherever any matter is concerned, which the intellect can reach at all,—its one way of reaching it is the way of free, unrestrained, unbiassed enquiry. To place any check upon such enquiry, is to fetter the intellect, and enslave the soul. Here is one strong reason, in addition to the many others which will ever keep me back from Catholicism; viz., that it sanctions such tyrannical interference. I can never believe, that a revelation from God goes counter to those intellectual laws, which God Himself established in creating man.'

"This is undoubtedly a most intelligible objection; and one which we can briefly notice in this place. I reply then most confidently, by denying the whole assumed principle. I deny altogether that the intellect's appointed way of arriving at truth, is that of unbiassed and uncontrolled inquiry. I assert the very contrary. I maintain, that so soon as the intellect quits the region of pure mathematics, it absolutely requires, for its healthy action, the being compelled constantly to compare its conclusions with some external standard."—*Ib.* pp. xxi-xxii.

The author proceeds to strengthen, most ably, his denial, adducing as an argument *ad hominem* the instance of what takes place every day in physical science. Any one, no matter how able, would be laughed out of the ranks of men of science, if he dared to confide in his unaided reason, and did not constantly compare his inferences with the facts of experience.

The rest of the preface is taken up with an explanation of the matters which are treated in the volume, and of various circumstances connected with each. We have encroached so much on our allotted space, that we cannot linger on its consideration any longer. We cannot however refuse ourselves one brief extract more—it is so characteristic of the man and of the book.

"No one can be surprised, that I feel most deeply the anxious and momentous character of the work which I have undertaken, and the great danger of falling into serious mistakes in its accomplishment. I felt it very desirable therefore, before publishing this volume, that I should obtain the judgment of theological friends on its contents. Accordingly, I circulated it privately so long ago as last October; and I have been so fortunate as to receive numerous and valuable comments on its many defects."—*Ibid.* p. xxxii.

The preface contains so much and furnishes us with material for such deep thought, that we may well be pardoned for delaying so long on it. Besides, we considered it only right to acquaint our readers, as fully as possible, with that which is the introduction and key to the whole work, and is in itself equivalent to a volume. Great as are its merits, its two gems are, to our mind, the ingenuous and humble statement we have just quoted, and the filial veneration and deference with which the author submits all his writings to the judgment of the Church. It is impossible to take up these pages, and not feel our respect ripen into sympathy for one who has known so well how to unite high abilities, and great and varied learning, with an intense practical faith, candour, and humility. Would that we had many authors like him!

Mr. Ward begins his "Philosophical Introduction" by reminding his readers that he does not profess to carry them through a regular course of Philosophy. He only wishes to give them "a full and complete grasp of certain great philosophical principles, which are essential to our

theological course. We are not therefore to be considered here as occupied with Philosophy for its own sake, but simply as an introduction to Dogmatic Theology." This remark is of great importance, and his readers will do well to bear it constantly in mind. The book before us is not a manual of philosophy, but a philosophical introduction to a totally different subject.

The first Chapter is "on the Principles of Morality." The first three sections of this chapter, together with the supplementary section at the end of the volume, constitute what we have called its first portion. We now proceed to give our readers a brief account of the contents of these sections; reserving, as we have already intimated, our notice of the remainder for another occasion, when we hope to be able to return to its examination.

These sections are:

I. On Intuitions and on the Principle of Certitude.—pp. 5-47.

II. On the essential characteristics of Moral Truth.—pp. 48-70.

III. On the relations between God and Moral Truth.—pp. 71-111.

IV. (Or Supplementary Section) Catholic Authority on Independent Morality.—pp. 429-490.

To begin with the first Section: Mr. Ward distinguishes two classes of intellectual acts, *judgments of consciousness*, and *judgments of intuition*. For example, the judgments, that I am this moment suffering the sensation which we call cold, that I am in low spirits, that I am out of humour, etc., are all judgments of consciousness. "*I reflect on the fact*, that I am at this moment affected in a certain way; the judgment begins there and ends there." We may add, that these words appear to suggest, that in Mr. Ward's opinion, judgments of consciousness are identical with reflex perceptions; or, in other words, all reflex cognitions are judgments. If so, it is difficult to escape the conclusion, that our direct cognitions are such also; and that there are not *physically* any *intellectual* acts which are purely simple perceptions. The truth or falsehood of this theory may exercise an important influence on the logical accuracy of some conclusions which we meet hereafter. But as this is really not a matter bearing directly on our subject, we may fairly content ourselves with thus briefly noticing it.

Judgments of intuition are thus analyzed:—

"But now suppose I *remember*, that half an hour ago I endured the sensation of cold. Here first there is, or may be, a judgment of consciousness; I may reflect on the impression which is now in my mind, that the past fact was so. But there is another judgment of far greater importance, which I also confidently form, and which we may call a judgment of *intuition* or an *intuitive judgment*. I may judge confidently indeed, that I have the *present impression* of having undergone that sensation; but this is not all. I confidently form another judgment also: viz., that the sensation *was* undergone; that I actually *did* feel cold, at the time to which my thoughts refer. Moreover, I regard this truth, not as known to me by way of consequence or deduction from other truths; but as known to me immediately, and in itself. Such a judgment we may call a judgment of intuition: a judgment, which on the one hand, is quite distinct from the mind's reflection on its own present consciousness; and which on the other hand, is quite distinct also, from a judgment arising in my mind in the way of *consequence* from other judgments."—pp. 5, 6.

The second illustration of intuitive judgment is taken from our acts of belief in the validity of reasoning. A well instructed thinker judges: "if the various premises are true, the various conclusions, *here* deduced from those premises, are most certainly true also." There is here not merely a judgment of *consciousness*. It is not, "I cannot help feeling as if the conclusions were true;" but there is the intuitive judgment, "I see for certain that they *are* true."

The third instance may be borrowed from the mathematical axioms, "a rectilineal figure of three sides has neither more nor less than three angles." The moment the terms are understood, the mind at once elicits this judgment.

A fourth instance is our belief in an external world. "The great mass of men (whether rightly or wrongly—for we are not here considering how far these judgments are *true*, but explaining what is *meant* by an intuitive judgment) do, as a matter of fact, elicit the intuitive judgment, 'external objects exist.'"

"Such then are intuitive judgments, in the sense which we shall consistently assign to that word. They are judgments, which I do not hold as being inferred in any way from other judgments, but as immediately evident. Yet, on the other hand, they are totally distinct from what we call judgments of consciousness; or,

in other words, from the various reflections made by mind upon its actually present experience. Many of the judgments, which we thus form, are true; many are false; but whether true or false, I will equally call them judgments of *intuition*, if they are *immediate* judgments, and yet not judgments of *consciousness*."—p. 7.

2. The author next distinguishes intuitive judgments, from another numerous class of judgments which on the surface resemble them. He selects the example of "an experienced farmer, who goes into a corn-field, and says to himself, on looking around, 'in what excellent condition, and how abundant is this corn!'"—a judgment which though spontaneously formed is in reality the result of various judgments previously formed.

3. This discrimination of judgments of *intuition* from those of *consciousness* will enable us to understand in what precisely philosophical scepticism consists.

"The only thesis which expresses this theory with perfect consistency is the following:—'We are unable to know with certainty anything whatever, beyond the facts of our actually present consciousness; because *no* intuitive judgment can possibly carry with it its own evidence of truth.' A thinker of this class may be imagined, with a certain superficial consistency, to argue as follows:—There can be no possible ground for holding any intuitive judgments:—No doubt I *feel* as if these propositions were true: I *cannot help thinking* that they are true; but what possible warrant have I for inferring, from my own intellectual impotence, the truth of an objective and external fact?"—pp. 9, 10.

In our author's opinion the refutation of scepticism can be accomplished only by denying its premiss, by asserting in its face the intrinsic evidence of certain intuitive judgments. Other writers have thought differently. Some, who may, not disrespectfully, be designated *Semi-Sceptics*, admit the sceptic's premiss, they grant him that no intuitive judgment can carry with it *its own* evidence: but they deny his conclusion, and they seek in other quarters proofs of the trustworthiness of certain intuitions. But the sceptic can most triumphantly ask his opponent, how does he know that the reasoning process he is putting into operation is really valid? Clearly, in professing to *prove* that intuitive judgments may be trusted, you *assume* that there are some which may be trusted: you take for granted *in limine*, what you pretend to obtain at the conclusion of your argument. The fact is, that, while we cannot, on

the one hand, *argue* against scepticism; on the other hand, scepticism itself is physically impossible, its acts are contradictory. The sceptic complains that men trust intuitive judgments: he cannot know, nor have the most distant idea, that the fact *is* so, until he do as they do, and trust at least some intuitive judgments. From this may be inferred the *Principle of Certitude*, which is nothing else than the contradictory of the position of the sceptic: in other words, "it is fully possible that intuitive judgments may carry with them their own evidence of truth." To ask for proof of this principle, is manifestly illogical. If you deny the validity of reasoning, you commit a simple absurdity in asking for a proof at all. But if you admit the possibility of proof *at all*, you must admit this principle, or contradict yourself.

In illustration of the importance of the view he has been advocating, the author proceeds to refer to the teachings of some English schools of philosophy, instancing Mr. Mansel and Mr. Mill. Of Mr. Mill he certainly disposes very satisfactorily. "There is no knowledge *a priori*," says this representative of the experimental school; "no truths grounded on intuitive evidence." Surely, there cannot be conceived a case where our author's argument more completely applies. We are not so satisfied with the case he has made out against Mr. Mansel; nor indeed of the propriety of introducing his name here at all. There is, no doubt, considerable difficulty in making out Mr. Mansel's meaning. But, to us it seems, that all he wanted to establish was this. 'Our mind is governed by laws, forms of thought, as imperative in their own sphere as the law of universal attraction which keeps the material world together. The mind necessarily presupposes these laws, necessarily thinks according to these forms, for they are identical with itself. Hence they are self-evident, and are not susceptible of demonstration in the logical order. They are their own warrant. But if we ask the *ratio* of these laws, *why* it is that we *must* think according to them? whence come they at all? and how come they to be imposed?—Such an inquiry necessarily conducts us outside the mind; its answer, its *real* solution, cannot be found within us. *All* men have *always* seen that $2 + 2 = 4$. Therefore, the reason why *I* see it, cannot be the sole personal and contingent constitution of my individual reason. If it be asked: why does Jupiter move in a certain

'orbit in a certain way? and Saturn move in another certain orbit and in another certain way? The Astronomer will at once reply, that these things are necessary consequences of that mutual universal attraction, which is inherent in all matter, and of the original projection of each planet in space. But the Cosmologist will ascend to the All-Mighty Creator, Who, of His Own Free Will, impressed that universal attraction and that special projection, of which each individual motion is the combined result. So of the mind, if it be asked: why a consequence legitimately flowing from its premises must be admitted? The *Logician* will reply: because otherwise we should be acting contrary to those first principles of reason which are immediately evident and intrinsically certain. But does this reply exhaust the question? will it satisfy the *Ideologist*? does it explain why *those* first principles, and none other, constitute for the mind the sources of certainty? or *why* and *how they are* LAWS of truth at all? This is no sceptical or semi-sceptical problem. But it is *any* and *every* attempt to resolve it on grounds confined to the mind alone, on purely *psychological* data, which is open to the charge of scepticism; for, it leaves the mind unsatisfied on the vital principle of all knowledge. Now the Philosophy which does not resolve this problem is a maimed and deficient Philosophy. It is a problem which meets man on his entrance into the philosophical domain; which accompanies him through all its walks; which confronts him when he issues from its gates. It continues to address itself imperatively to his reason, long after the demands of Logic have been rigorously satisfied.' Such appears to us to be mainly the view which Mr. Mansel has put forth both in the *Prolegomena* and the *Lectures*. However, we frankly admit, that we may have mistaken his meaning; most certainly we have not studied him with the same attention which Mr. Ward seems to have devoted to him. In any case our limits and purpose equally forbid us to pursue the matter further. Mr. Ward has given quotations which very fairly represent Mr. Mansel's views; and our readers can judge for themselves between them.

The nature of the evidence, by which we are constrained to admit intuitive judgments, the ground of our confidence in their truth is, in Mr. Ward's opinion, the operation of a

certain intrinsic mental quality. This intrinsic quality of the mind, which alone renders any knowledge, beyond mere present consciousness, possible, has been, by a very natural figure, called 'a light' to the soul. It may be appropriately denominated "*intuitional light*." It is most necessary that we should be able to discriminate true intuitions from false. But, unfortunately philosophers have not given due attention to the analysis of the intellectual faculty of "intuing;"—nothing approaching the attention they have bestowed on the reasoning faculty. F. Buffier has, however, given some criteria, excellent as far as they go, but perhaps not always sufficient. Of *intuems* (so the author designates the propositions which the mind *intues*, or adheres to on their *own* evidence, and not through deduction or inference,) some are *necessary*, some not so. The former are those whose truth arises solely from the intrinsic relation of the subject and predicate. This leads straight to the consideration of the position which 'necessary'—e. g. Mathematical—truth occupies, with regard to God. We shall not follow the author further in this disquisition, than to remark that he lays down the trite scholastic position of the identity of 'necessary' truth with the Divine Nature. He does not undertake to explain what he admits, with a candour unknown to most of his predecessors, to be "totally mysterious." In support of this view he appeals to high Catholic authority. He cites Bossuet, Fenelon, William of Auvergne, the *Prælectiones Philosophicæ* of St. Sulpice: he might have added Suarez, and many distinguished scholastics; and amongst the moderns, Dmowski and Ubaghs, representatives of two great centres of Catholic Philosophy.

These quotations suggest to us a reflection. All the writers alluded to agree in regarding 'necessary' truth as identical with the Divine Essence. Our intuitions are, according to our author, intellectual acts by which (amongst other things,) we "intue" 'necessary' truths. Do we intue them in the Divine Essence? Bossuet and Fenelon say, *yes*: most of the others *no*. The great body of Catholic Philosophers deny, that man in this life—*homo viator*—can "intue" the Divine Essence; so that the weight of authority lies the other way. But if we cannot intue 'necessary' truths in the Divine Essence, must they not be, *so far as our intellectual operations are concerned*, something external to God? and therefore, *as such*, not

'necessary' at all? That is: must they not, in this hypothesis, be regarded as intellectual forms intueed by the mind in itself, the last reason of whose existence and evidence must be sought elsewhere?*

The Second Section treats of the "Essential Characteristics of Moral Truth." It begins by instancing a judgment, which contains the idea of *moral obligation*: "I ought to restore a jewel entrusted to my keeping by a friend, who has loaded me with benefits and is now in great distress." This means, that the not restoring the jewel would be an act *morally evil*. An examination of our consciousness attests, that moral obligation and moral evil are correlative terms. When I say that 'an act is of moral obligation,' I mean that to abstain from doing it

* Mr Ward, in a note, refers to an Article in the Dublin Review for July 1857, page 41, which has some remarks on this doctrine. "I do not understand the writer to question it, but to deprecate its adoption as the basis of Ethical Science. I the rather think this must be the writer's meaning, because only a few pages back he himself seems to have asserted the same doctrine."—page 47.

We have referred to the Article alluded to. We find, that it distinguished the general doctrine adopted above, which recognizes the identity of necessary truth with the Divine Essence, from the particular opinion of Malebranche, Fenelon, &c., that we see necessary truth in the Divine Essence. It is this latter *opinion*, which the Article considered "an unsuitable basis on which to build up Ethical science;" for the evident reason that science cannot be based on a mere opinion. But on the main question of the identity of necessary truth with the Divine Essence the Article makes no comment.

With regard to the passage "a few pages back," where Mr. Ward thinks the writer of the Article "seems to have asserted the same doctrine;" quoting in support of this view the words "necessary and absolute ideas are the Divine Idea itself, presenting itself under different aspects:" we find that these words occur in a synopsis of M. Laforet's Moral Philosophy—are in fact Laforet's words—but by no means profess to convey the opinion of the writer of the Article in question. Indeed the writer seems to have studiously avoided expressing any opinion on the main question contained in the text. We may here add, that, while a large number of Catholic Philosophers hold the identity of "necessary" truth with the Divine Essence; comparatively few proceed further, and contend that we intue "necessary" truth in the Divine Essence. The two propositions are widely distinct.

would be morally evil ; just as, 'the *avoidance* of an act is of moral obligation,' implies that 'the doing it would be morally evil.' "The term moral obligation does not, then, imply the existence of some one who *imposed* the obligation ; it implies no more than the *existence* in certain acts of *this quality* 'moral evil.' " (pp. 48-9.) In a note the author cites Cardinal Gerdil in support of the first part of this conclusion. And in another note he cites several scholastics in favour of the second part, viz., "the *existence* in certain acts of the *quality* 'moral evil.' "

"We have then, however we came by it, an idea of certain qualities which we call 'moral goodness,' 'moral evil.' These qualities are of such fundamental importance, that no more momentous question can possibly engage our attention, than an examination into their real nature."

Entering on this examination the author states that 'moral good' is a *simple* idea.

"The idea expressed by the term 'sweet,'—when I judge *e. g.* that this lump of sugar is 'sweet,' is a simple idea. I may explain 'sweet' indeed by saying that it is the opposite to 'bitter ;' just as I may explain 'bitter' by saying that it is the opposite to 'sweet.' But any further explanation than this is impossible ; he who has never experienced the sensation in question, cannot possibly understand the term. So I may explain 'morally good,' by saying it is the opposite to 'morally evil ;' or I may explain 'morally evil,' by saying it is the opposite to 'morally good.' But I maintain that any *further* explanation of the term is impossible ; that if a man had never experienced the exact thought in question, he would not by possibility, be made to understand the term."—p. 50.

He then gives some examples of complex ideas, which need no comment, and proceeds to explain the difference between analytical and synthetical judgments.

"Some judgments are 'analytical,' others 'synthetical.' And in like manner,—since a 'proposition' is merely the verbal *expression* of a 'judgment,'—some *propositions* are 'analytical,' and others 'synthetical.'

"An 'analytical' judgment is one, in which it is judged that the idea of one term is contained in the very idea of the other. Thus if I say that 'he who possesses a poetical temperament, possesses in an intense degree the qualities B and E,' I shall be forming an analytical judgment ; for I consider that the idea of possessing these qualities in an intense degree, is contained in the very idea 'a poetical temperament.'

"Those judgments which are not 'analytical,' are called 'syn-

thetical :’ and we may give an illustration or two almost at random, for the purpose of making clearer the distinction between these two classes. Suppose I form this judgment ; ‘ my parents were instrumental to my birth into the world :’ here is an ‘ analytical’ judgment ; this is part of what I *mean*, when I say ‘ my parents.’ But suppose I form this judgment ; ‘ my parents should be honoured and obeyed by me :’ here is a ‘ synthetical judgment.’ We may consider this latter judgment indeed to be intuitively evident : but still the idea of ‘ claiming justly my honour and obedience,’ is not part of the *idea* which I express, when I say ‘ my parents.’ Another illustration may be taken from a thesis, which I argue in the fifth Section of the Second Chapter. To judge that happiness consists in a gratification of the propensions,—is to elicit an ‘ analytical’ judgment : the judgment results at once, from considering what is *meant* by ‘ happiness,’ ‘ propension,’ ‘ gratification.’ But to judge that ‘ earthly happiness’ is most surely obtained by means of ‘ virtue,’—this, however true, is no ‘ analytical’ judgment : its truth is made manifest, by examining, not the sense of *words*, but the properties of *things*.

“ Analytical judgments may be ‘ true’ or ‘ false ;’ for it is evident that I may be *mistaken* in my opinion, that this idea is contained in that. In regard to the more complicated phenomena even of my own mind, I may make very serious mistakes when I attempt their analysis.

“ A second division of ‘ analytical’ judgments may be into ‘ objective’ and ‘ subjective.’ For (1) I may judge, that one idea is contained in another, *as I am at this moment conceiving the latter idea*. Or (2), I may judge that those who conceive the complex idea *most clearly and fully*, those who use the word expressing it *most intelligently*,—that *those* men tend more and more to include in it such and such simpler ideas. In the former case, I judge that the complex idea, *as I now conceive it*, contains these simple ideas : in the latter case, I judge that the complex idea, *in its full objective sense*, contains them. The former class then may be called ‘ subjective,’ the latter ‘ objective’ analytical judgments ; and great confusion of thought sometimes arises from the neglect of this distinction.

“ Then again we may divide analytical judgments into ‘ exhaustive’ and ‘ partial :’ accordingly as I judge that I am recounting the whole, or merely some part (greater or less), of those simple ideas, which together constitute the ‘ complex.’”—pp. 52-54.

This leads to an examination of the idea ‘ morally good’ in order to ascertain whether it is simple or complex. It is evident that it is a simple idea if it cannot be *analyzed*, if no component parts of it can be exhibited. The author contends that such is the case ; establishing this view by a criticism of several “ plausible” endeavours at analysis, all

of which break down when sifted. We are bound however to say that the examples selected for this purpose by Mr. Ward look very suspicious. For they are precisely such as could be upset with ease by any tyro. Reverting to the particular moral judgment, with which the section opened, our author lays down with regard to it three propositions:

"First, this moral judgment is intuitive and not inferential. Secondly, it is a *legitimate* intuition; that which is intued is a real intuem. Thirdly, that which is intued is a *necessary* intuem."—p. 63.

The first point is proved by showing that it is not, and cannot be inferential: that is, there are no judgments which, whether taken separately or collectively, could possibly lead by way of *logical inference* to the moral judgment founded upon them.

"It is perfectly impossible to array these antecedent judgments in any logical shape, such that the moral judgment which we are considering can ever emerge as a conclusion. Various judgments no doubt are formed, antecedently to this moral judgment; but they are formed as the *matter* on which the moral judgment is exercised, not as *premises* whereof the moral judgment is a conclusion. That idea of moral good or evil which is the most characteristic element of this moral judgment, is not met with ever so distantly in *any* of those antecedent judgments to which we refer."—pp. 63, 64.

Next as to its being a legitimate, or true intuition. The author applies F. Buffier's criteria. (1) It is so *clear*, that its proof or attack can only be conducted through propositions, which are manifestly neither clearer nor more certain. (2) It has been so universally received among all classes of men, that none has ever thought of calling it into question. (3) Its truth is so strongly impressed on men's minds, that they always conform their conduct to it—even they who refine themselves into imagining a contrary opinion. Finally, that the "*intuem*," which is the object of this intuition, is a necessary truth, is established on the same principle as that on which we maintain the necessary truth of mathematical axioms.

The process which has been gone through with regard to the restitution of the jewel, might be repeated with reference to a number of similar cases. This body of necessary truths (be it greater or less) is called Moral Truth. Two things, then, are contained in this section: (1) 'moral

good,' and 'moral evil,' are simple and not complex ideas ; (2) the application of these ideas to certain acts and circumstances is intrinsically necessary. All who hold the former position hold also the latter. But many philosophers who hold the latter, do not agree in admitting the former. Chief amongst this latter class are those, who consider these ideas capable of an analysis expressing some relation to God. This is a subject which must be treated at length, and accordingly occupies the next two sections. Before we pass to these sections we shall venture on two or three remarks on the present one.

The author cites Cardinal Gerdil in support of his theory, that moral obligation does not imply the existence of some one who *imposes* the obligation. It appears to us that Mr. Ward has outstripped his master. It is perfectly true, that Gerdil considers, that "*la connaissance du juste et de l'injuste suffise pour imposer une obligation proprement dit :*" and consequently, that such obligation exists quite independently of any one who imposes a command. But he never said that moral obligation would exist independently of any rule ; or that the bare idea of *le juste et l'injuste* could exist independently of a reference to such rule. On the contrary, the very corner-stone of Gerdil's moral system is, that actions are morally good inasmuch as they are *conformable* to the necessary "*rappports des choses ;*" that they are morally evil inasmuch as they *diverge* from these necessary "*rappports des choses.*" Our author, however, seems to insinuate, that the moral goodness or evil of actions is a *quality*, inherent in them, quite independently of any relation to any rule. We say "insinuate," for he does not say so expressly ; and we think we have a right to expect a more explicit statement on a point which is the very foundation of morality.

The second remark we shall make is on the erection of moral evil into a quality. He remarks that this is a question, which belongs properly to the treatise on "man's moral action." We shall therefore limit ourselves here to recalling the fact, that if there is one point, rather than another, on which there is an almost unanimous opinion of theologians and philosophers, it is this: that *evil* of any kind is the *privation* of corresponding good ; that it cannot be conceived except with reference to the good which is excluded. From the time of St. Augustine downwards, this has been assumed as a sort of axiom, which needed only

to have its terms explained in order to secure the immediate adhesion of the mind. It is the basis of the argument against the Manicheans; and of some of the chief proofs for the Unity of God. There is a sort of instinct amongst theologians, that it is of importance in explaining the nature of sinfulness—especially of Original Sin. And the substitution, which our author proposes, may appear to some timid persons, at least, to open the door to Lutheranism on the one hand, and to Pelagianism on the other. Some of these may ask: is not then the *privation*, the *absence* of sanctifying grace in man, in his present order, sinfulness? Or must we conceive some positive entity infused into the sinner's soul? Will the mere falling away from justice not be sufficient to constitute sin? or must some quality be super-added? We can imagine some one to argue in this way. Blindness—blindness is an evil. What is it? does it express a quality? Most certainly not, in its usual acceptation. It merely means the *privation* of sight; the absence of a quality which ought to be present. To be sure, it implies the presence of a certain condition of organization: inasmuch as we could not conceive the *absence* of qualities—the falling short—unless we conceive the presence of a certain degree of entity. But it is not the actually existing condition which is denoted by the term *blindness*, but the absence of the quality which ought to be present, were it not excluded by the actual condition of things. It is not the positive quality—the actual amount of perfection—which is present, that is *denoted*, or even *connoted* by *blindness*; but the *absence* of that other perfection which is not present.

Mr. Ward considers moral goodness and moral evil simple ideas and not complex ones. Perhaps some people may quarrel with this view altogether. We are not of the number. But we would wish him to have stated, whether they are absolute or relative ideas. For example, *existence* is an absolute idea; *father* a relative one. Paternity may seem to many a simple idea; but of a certainty it is decidedly a relative one. To which category does moral goodness belong? If he answer, "it is an absolute one:" then, we can well understand, that many will join issue with him. They will ask: can we conceive an action to be good except with reference to some *obligatory* standard or rule? if there were no such standard, could an action be said to be morally good or bad at all? In fact, is not

the idea of goodness of any kind a relative one, involving a comparison and agreement with some standard? Things are said to be physically good, if they agree with our physical constitution; physically bad, if they disagree with it. May not an action be good *and* bad together? Might not the retention of that deposit, which the author so often refers to, be a great aid to my material advancement? while most certainly it would redound to my moral detriment. Does not this indicate that goodness and evil are relative terms, predicable of actions precisely according to the standard or rule with which they are compared? The mere etymology of moral proves it to be a relative term. An action is *moral* inasmuch as it is apt to produce those *habits*, which have appropriated to themselves *κατ' ἐξοχήν* the designation *mores*, because most proper to a rational being. These opponents will take up the very idea our author has used, as an example by which to explain his view. They will ask: is sweetness or bitterness an absolute idea? Are they not both species of *agreeable* and *disagreeable*; that is of the suitable and unsuitable? Could we conceive sweetness, without supposing a being pleasurably affected by that which is sweet? If no such being existed we could not have sweetness. The constitution of the sweet thing, capable of producing the affection sweetness, would remain: but that constitution is not sweetness, no more than the physical constitution of a sharp knife is a wound, so long as it does not cut. They will appeal to the analogy of truth which is likewise relative. A proposition is logically true inasmuch as it expresses facts. Any thing is physically true in so far as it conforms to its type or model. They will quote the historical parallel of all writers of Ethical treatises, who have invariably recognized moral goodness as consisting in the conformity of actions to their rule. And not to *any* rule, but to an obligatory one. If an action merely differ from some prudent or honourable rule, it is not therefore morally evil. A wise man may suggest to me to enter on a profitable speculation: it is no sin to decline to follow his advice. So, neither is an action morally good, merely because performed in consequence of some good counsel. In a word, the moral goodness or evil of actions is a relative quality, unintelligible except in reference to an obligatory rule. More than this. It is not a primary but a secondary quality. Actions are good not *inasmuch* as they are right, but *because* they are right. We

must first conceive them conformable to the obligatory rule, before we can imagine them good. It is idle to object, that men do not *think* of comparing actions with a rule, when they judge of their morality. Neither do they think of comparing their syllogisms with the principles of reason: and yet it is their actual conformity with those principles which renders them good syllogisms. Besides, it may be questioned, whether men do not, at least rapidly, and *directly*, compare actions with that immediate rule which their reason furnishes.

We have stated these observations, for they are not objections, at considerable length; not because we regard them as exceptions to the doctrine contained in this section, but to its method. We cannot help thinking, that, had Mr. Ward started with a definition of morality, and an explanation of its bearing on human actions, he would have consulted advantageously for the clearness of his readers' conceptions on the subject, and for the sequence and compactness of his own teaching. It is hardly fair to expect that all will bear these primary notions, in sharp outline, in their mind. And if they do not so bear them, they cannot do full justice to the work, or to the close logic and acumen which are among its chief merits.

Neither do we think our author sufficiently explicit in his explanations of analytical and synthetical judgments and propositions. No doubt, he must have looked on every moment and every page, which interposed between him and the treatment of his main subject, as a foe. Still he cannot presume that all his readers dwell in that atmosphere of accurate memory and precision which seems to be his own home. There are many important notions, exercising a large influence on its object, which may with propriety be assumed in a scientific treatise. But if touched upon at all, they must be explained with sufficient fulness to ensure their being thoroughly seized even by one previously wholly ignorant of them. Now an *analytical* judgment is not "one in which it is judged that the idea of *one* term is contained in the very idea of the *other*." But it is that only, in which from an analysis of the subject we learn, that the predicate is to be attributed to it or removed from it. "Every circle is a curve," is an analytical judgment: not because the idea of one term is contained in the idea of the other, for no one would say that "Every curve is a circle;" but because an analysis of the

idea *circle* shows that the idea *curve* is to be predicated of it. Similarly, synthetical judgments are those in which no analysis of the idea of the subject would reveal anything about the predicate; but all our information about it must be derived from a source external to the idea of the subject. Hence analytical cognitions must be *a priori*; synthetical *a posteriori*. In other words the former express necessary truths; the latter contingent facts. But we must bear in mind that this is a thing totally distinct from the *modus* by which we acquire a knowledge of both these classes of judgments. There are some truths of each class which we know *immediately*:—"The whole is greater than its part," "I exist." There are others which we can only learn by an inferential process:—"The ellipse is a conic section," "The Reform bill has been abandoned." But this difference in the manner of acquisition cannot affect the intrinsic character of the truth itself.

Accordingly, the distinction which Mr. Ward makes between objective and subjective analytical judgments cannot be upheld. To constitute a judgment analytical it is not necessary to institute an exhaustive analysis of the subject. Were this necessary no judgment could be analytical; because such a process would presuppose us in possession of *adequate* ideas, which is not merely not the fact, but is an impossibility. A judgment is analytical, whenever the idea of the predicate is found to be included in that of the subject. This is the first and only requisite for an analytical judgment. Perhaps a further analysis of the predicate might disclose other elements which, being included in the subject, would give rise to further analytical judgments. But this further development cannot in the smallest degree influence the fact of the first judgment, as well as these latter derivative ones, being analytical. "A circle is a conic section," "the equation to a conic section is an equation of the second degree," therefore, "the equation to the circle is of the second degree:"—are all analytical judgments, of which the third is plainly derived from the first. No one would for a moment maintain that their logical character, as propositions, is in the smallest respect different. Yet, if Mr. Ward's distinction were to hold good, the first should be regarded as a subjective and the last as an objective judgment. The shade of Kant would protest against such an application of his technology. Analy-

sis does not arise from a tendency of "men to *include* in the subject such and such simpler ideas." This tendency might lead to *synthesis*; but never to analysis, which is not an *inclusion*, but a *separation*—a turning inside out of an idea. A similar inadvertence has led our author to insinuate that "the truth of analytical judgments is made manifest by examining the sense of *words*, and of synthetical judgments by examining the properties of *things*." Surely he never meant what these words seem to us to imply? He never intended to repeat the doctrine attributed to the Nominalists, that universal propositions are mere *words*, and do not express the real properties of *things*?—That "a circle is a curve" may be taken for granted so long as confined to words (although it may be doubted if an eternal meditation on the words *circle* and *curve* would ever reveal their agreement); but that, when a concrete case would present itself, we must examine if *things* really are so or not?—That the colour of a wall could ever be learned by an examination of the intrinsic properties of the wall, and does not wholly depend on extrinsic facts. The truth is, the difference between the two classes of propositions amounts, as we have already stated, simply to this: analytical propositions express *necessary* truths which hold good even when applied to contingent things; synthetical propositions express *contingent* facts, which happen to be such, but might be otherwise.

Now, we ask, will any one maintain that the truths of the Moral Order are not necessary? If such were the case, there could be no moral science. The author, and every one else who would talk to us on the subject would be mere charlatans. We could only know them through a direct revelation. But Mr. Ward and we are agreed as to their being *necessary* truths. If so, we say they must be *analytical*. The fact is some of the propositions expressive of moral truths would be utterly meaningless were they considered for a moment to be otherwise. Take for instance the proposition *suum est cuique tribuendum*. Could we suppose this proposition not to be analytical? Why, it would not be *suum* were it not *illi tribuendum*. Most certainly there are many moral truths, in which we cannot discover the agreement of the predicate with the subject, except after a long and tedious process. Perhaps Monogamy, or the obligation of giving alms, the prohibi-

tion of Duelling, may be classed amongst these. This, however, does not affect, in the slightest degree, their analytical character, which derives from circumstances wholly independent of our method of acquiring a knowledge of them. We differ, then, from Mr. Ward, in his estimate of the proposition "disobedience to the Creator is morally evil." He holds it to be synthetical. To us it appears to be an analytical proposition. We both agree that it is a necessary one. We consider it could not be necessary (in the sense in which 'necessary' is here to be understood, that is, absolutely necessary,) unless it were analytical.

But really, this difference between us regards rather the manner of expression than the substance of the doctrine laid down by our author. In this we are, as all Catholic Philosophers must be, agreed. Namely: that there is a large body of truths intimately affecting and regulating our conduct, and which are therefore styled Moral Truths, which come home to the minds of all men with as much, or rather greater, clearness and irresistible necessity, as do the axioms of Mathematics. We have only to repeat that the cause of this defect (for, as critics, we must consider it such,) was the very excusable, we may say laudable, anxiety not to devote valuable space to the explanation of matters with which he might justly assume his readers to be already acquainted; and thus convert a chapter on the Principles of Morality into a complete treatise of Logic and Metaphysics.

The third section treats of the "Relation between God and Moral Truth." By this designation the author does not mean an inquiry into those portions of Moral Truth which have God for their object; but an investigation into the "relation which exists, between God on the one hand, and the whole body of Moral Truth on the other hand." He commences this investigation by two very reasonable postulates. First, that Moral Truth is of considerable extent. Secondly, "that Justice, Veracity, Benevolence, Humility, Purity, are to us virtuous ends of action, while their opposites can never be so." We should have preferred stating this second postulate otherwise: 'that Just, Truthful, &c., actions are intrinsically good; while their opposites are intrinsically evil.' However, although this is more than a verbal difference, it is of small importance just now. He next recalls the doctrine which he has

already laid down, as to the identity of all necessary truth with the Divine Essence. Whence the corollary immediately follows, that as "necessary truths are not derived from the fact that God necessarily intues them, but the very contrary holds: therefore, to use the words of Vasquez, *ante omnem Dei Voluntatem et Imperium, immo etiam ante omne Judicium, est regula quædam harum actionum, quæ sùapte naturâ constat præcedens, secundum rationem omne Judicium Divini Intellectus*. That is to say, as the mass of Mathematical and Metaphysical axioms, which are the rule of our cognitions in those departments, is identified with the Divine Essence, and so precedes *secundum rationem* every act of God; in like manner the mass of Moral Truth, which constitutes the rule of our actions, is identified with the Divine Essence, and so precedes, *secundum rationem*, every act of God. There is this difference between the two classes, that, whereas the former "gives scope to the Divine Attribute *verus in cognoscendo* only; Moral Truth gives scope also to the Attribute *sanctus in volendo*." Now, if any of our readers should object, that this is very unintelligible, we would respectfully suggest to him to close our pages, and not attempt to open Mr. Ward's book until he has familiarized himself with metaphysical considerations—but truly *meta*-physical, that is, which far transcend the bounds of mere sense and experience. Should he say "it is very mysterious, and hard to understand," we shall answer, "Unquestionably." But so must everything be which regards the Infinite Nature of the All Perfect Being.

Mr. Ward sums up this doctrine thus:—

"Such, then, is the relation, as it appears to me, or rather the identity, which exists between God and moral truth. Those innumerable verities,—whether intuems or deduced from intuems,—which together constitute the body of moral truth, are identical (each and all) with Almighty God. In gazing on Himself, He gazes on them; His intellect is necessarily determined to them as good. As 'Verus in cognoscendo,' he intues that the opposite to justice, veracity, benevolence, are morally evil; as 'Sanctus,' He is just, veracious, benevolent. He cannot be called, in any proper sense, the *Originator*, or *Author*, or *Foundation*, of Moral Truth, any more than He could be called the *Originator*, or *Author*, or *Foundation* of His Own Aseity, of His Own Indestructibility, of His Own

Omnipotence. Moral Truth is not some distinct thing, originated by God; it is God."—pp. 75-6.

He then proceeds to examine five theories or ways of explaining the relation between Moral Truth and God, all opposed to the system he has established. The first of these adverse theories is the system of Puffendorf, who maintains that moral evil depends solely on the free prohibition of God; and that, consequently, those things which we now look upon as intrinsically wrong, might tomorrow become praiseworthy if God withdrew His prohibition. The mere mention of this theory is enough for its refutation.

The second adverse theory regards morally evil as meaning *necessarily* prohibited by the *Creator*. That is, apart from God's *necessary* prohibition, murder would contain no moral depravity. Against this theory our author argues at great length.

According to the third adverse theory, morally evil means necessarily detested by the Creator. As the arguments which our author advances against this theory are, more or less, the same as he employs throughout the section, we shall quote them: the more so as they are more closely put here than elsewhere.

"(1) All men, on occasion, are ready to elicit the judgment, that the retention of a deposit is 'morally evil.' In eliciting this judgment, do they mean by the term 'morally evil,' to express 'detested by the Creator'? On such a supposition, the proposition 'to do what the Creator detests is morally evil,' is a true subjective analytical proposition; and its contradictory, therefore, is simply unmeaning. Will any one maintain that this is so? that the proposition, 'to do what our Creator detests is not morally evil,' is unmeaning? Or will not every one rather say, that it is false, monstrous, and the like? We understand its meaning most readily, and its contradictory therefore is *not* a true subjective analytical proposition.

"I would proceed thus to address my present opponents. You are obliged then to admit, (1). that all men will elicit this judgment 'the retention of a deposit is morally evil;' and, (2), that in that judgment, they mean by 'morally evil,' something quite distinct from 'detested by the Creator.' Your theory, however, compels you to maintain, that the judgment, thus universally elicited, is false and pernicious. Such a statement must consistently land you in the most absolute scepticism.

"(2) Take the all-important proposition 'The Creator is All-holy.' On the theory of these opponents, this proposition is lite-

rally emptied of all meaning. For on their theory 'morally good,' means simply 'approved by the Creator.' Hence on their theory, the above proposition expresses neither more nor less than this,— 'that the Creator possesses in the greatest degree, the 'quality of always doing what He Himself approves.' But this is a quality, which would equally appertain to any *demon*, who should be so obdurate in wickedness, as to regard evil as good and good as evil. Hence, on our opponents' theory, our Creator is not Holy in any other sense, except that in which an obdurate demon is holy.

"(3) Consider that very proposition, which our opponents justly regard as so true and so important; 'to do what the Creator detests is morally evil;' they actually debar themselves from all power of establishing this proposition. For consider. Certainly this proposition is no *intuem*. Imagine the case of a creating demon; certainly our opponents will not maintain that we intue a moral obligation of avoiding what such demon detests; of avoiding with the greatest care, all approach to Justice, Purity, or Benevolence. The proposition which we do hold as self-evident is, 'to do what the *Holy* Creator detests,' is 'morally evil.' Now Reason establishes, that He, Who Alone can create, is essentially Holy; and thus we are led to the *conclusion*, that 'to do what the *Holy* Creator detests, is in all cases morally evil.' But our opponents *cannot* appeal to any such self-evident judgment as the above; for on their view, the creating demon, if he were not utterly blind and obdurate, would be as holy as the Adorable God.

"(4) I have no means of knowing that the Creator *does* detest injustice, impurity, malevolence, unless I first know that these qualities are *evil* apart from His detestation.

"(5) The Creator is necessitated to detest these qualities; but this would be a great imperfection unless they were *independently* evil.

"(6) I appeal to your own present convictions. Suppose you heard it said that the Creator is necessitated to detest intellectual slowness, or bodily awkwardness; you would be utterly shocked at such a statement. Yet on the other hand, you believe of course, as we also believe, that He is necessitated to detest malevolence and impurity. Why does the former statement shock you, while the latter is implied in your very idea of God? Plainly because you do recognise an intrinsic difference between these two classes of defects; because you recognise that malevolence and impurity, are intrinsically *worthy* of God's detestation while intellectual or bodily incapacity is not. You are convinced in other words, that malevolence and impurity are not morally evil, because God detests them, but the very reverse; that God necessarily detests them, *because* they are morally evil."—pp. 91-3.

The fourth adverse theory holds, that the only sense in

which an act can be morally evil is, that it is necessarily detested by the One Necessary Being.

And, according to the fifth adverse theory, morally evil means that which separates us from our True End.

Having argued against each of these theories in detail, the author adduces against them all collectively the following general argument. The making moral goodness or moral evil depend on an act of God, "implies that we may rightly and suitably give the appellation 'God' to a being whom we do not *yet* conceive as possessing moral goodness or sanctity." In other words, the term 'God' cannot, in this hypothesis, connote Sanctity, as it does Infinity, Omnipotence, &c. This is plain. For if moral goodness depend on an act of God, we cannot conceive it existing prior to that act. Now antecedently, *secundum rationem*, to any act of God, we conceive, and must conceive, the Divine Nature existing in all its Perfection of Essential Attributes. The conclusion is irresistible, that, according to these theories, not merely the appellation 'God' should be given to a being, whom we do not yet conceive as possessing Sanctity; but, that Sanctity is not an Essential Attribute of the Divinity.

Having disposed of these theories,* Mr. Ward proceeds to consider some objections which may be raised against his own system. The first objection is, that "it exalts an abstract quality, which you call Sanctity, above the Living God." He replies, that it "does not exalt an abstract quality at all; but vindicates the claim of God's Attribute 'Sanctity' to an equal consideration with His other Attributes." He might have also replied, that he has already most emphatically insisted upon the identity of Moral Truth with the Divine Essence; therefore, in showing, that Moral Truth is independent of any act of God, he is

* In a note, appended to page 98, the author briefly disposes of the analysis of moral goodness which is laid down in the *Prælectiones Philosophicæ* used in the Seminary of St. Sulpice. That analysis, in all essential particulars, coincides with the system of Rosmini. We do not think that, either in justice to himself, or to the greatest philosopher Italy has produced since the days of St. Thomas, Mr. Ward should have dismissed this opinion in so cursory a manner.

not upholding an abstraction, but the Divine Nature itself.

The second objection is this:—

“Of course we feel very certain that mendacity and cruelty are wicked; because we have been created by a Being who abhors them, and who has consequently given us faculties which compel us so to regard them. But a Creator, who should love mendacity and cruelty, might, with equal readiness, have given us faculties, which would compel us to regard them as morally good.”—p. 101.

The replies to this objection are sufficiently obvious.

But there is a third objection, which our author regards as of much more moment, and consequently deserving of the most careful and anxious consideration. It is, that “every obligation is considered by holy men as coming from God, and as part of His free Providence.” We cannot attempt to epitomize the elaborate reply which extends through several pages. It is not merely a rigorously logical and exhaustive answer, thoroughly convincing the intellect. It completely satisfies the heart, dispelling every shade of misgiving, with which the devout soul might not unreasonably be expected to regard any theory, that would seem to diminish its absolute dependence on God’s most loving personal disposition.

So far, then it has been established that certain acts are of obligation on us human beings, quite independently of God’s command.

“The assemblage of these obligations may be designated as the natural rule of human actions.

“Now in what relation does God, our All-holy Creator, stand to this natural rule? Two things follow from the principles already laid down. First, He was perfectly free to call into existence creatures, or not to do so; to call into existence *rational* creatures, or not to do so; to call into existence us *human* creatures, or not to do so. Secondly, since He *does* resolve to call human creatures into existence, He is *not* free to appoint, that they shall be exempt from the intrinsic obligatoriness of the Natural Rule. But now further, I ask thirdly, is He necessitated to add a further *distinct Command of His own*, in corroboration of that Natural Rule? I think that every Theist will, on reflection, agree, that God could not have abstained from imposing this command....Here, then, we arrive at the idea, implied in that well-known phrase ‘the Natural Law.’ It is simply God’s Command, necessarily imposed upon us, to observe the Natural Rule. Hence it follows, that, in violating the Natural Law, men incur, not merely that sinfulness which is inde-

pendently intrinsic to the act, but another totally distinct, and immeasurably greater; viz., disobedience to the Infinite God."—pp. 112-107.

¶ The author passes in the fourth section (which, for reasons of mere physical convenience, has been removed to the end of the volume, at page 429) to inquire what way lies the weight of Catholic Authority on the grave question he addressed himself to resolve in the previous section. His chief motive in doing so—for, after all, philosophical questions must be resolved by reason—is to satisfy the uneasiness of some Catholics, who imagine, that there is an overwhelming amount of theological authority in favour of the position, that all moral obligation springs from God's command. Now Mr. Ward might have abstained from this inquiry altogether. He might have addressed his doubting audience thus:

"The teaching of the Church, you fancy, tells us that moral obligation can only spring from God's Command. Suppose your impression be true, what will follow? Merely, that reason cannot resolve the question. For I do not think any one can, apart from positive revelation to the contrary, refute on grounds of mere reason the arguments which I have brought forward. They are, to my mind, irrefragable. If then theological authority be opposed to them, reason must indeed bow. But then this appalling consequence will follow, that, outside the pale of the Church, men will know no *natural* rule of action. The Gentiles previous to the Christian dispensation, equally with all non-Christians of the present day, will have been left destitute of the guidance of Divine Providence, in those things which are essential to the mere human life of Man. For *reason* tells me that moral obligation, to exist at all, must be conceived as existing prior to, and apart from, God's Command; that were it not so I could not recognize in myself any obligation to obey God's Command; nor, consequently to hear His Voice revealing to me His Will. For me, therefore, in this hypothesis of obligation arising only out of God's Command, there can be no Revelation, no Natural Law. Such is the desolating conclusion, to which so monstrous a doctrine leads by the sequence of an inexorable logic; a conclusion most consonant to all the worst passions of our nature, and which would long since have wiped itself out in the deluge of

horrors to which it would have given birth. It is the strongest possible refutation of the premiss from which it flows. Has then the Church pronounced no decision on this grave question? None that we are aware of. But the reflections into which this uneasiness has just led us would suggest an overwhelming presumption that the weight of her authority lies the other way."

We do not see how any one, admitting our author's principles, could answer him had he chosen to hold such language as this. But he has not dealt so trenchantly with the scruples of those vacillating readers, who may seem afraid of a doctrine, of which they are convinced. On the contrary, he has most painfully gone over the record of Catholic tradition, and interrogated the long list of theologians whether they approve or censure his teaching.

Any one, even superficially, acquainted with the views of the long chain of Catholic writers, who have treated this question from the dawn of Scholasticism down to the present day, would at once marshal them into two classes. First, and most numerous are those who hold that prior to and independent of any act of the Divine Intellect or Will, there is an *intrinsic* difference between Moral good and evil, which men are *bound* to realize in their actions. Secondly, those who hold that *complete* and *perfect* obligation arises from God's necessary Command. All are agreed that apart from that Command there are actions *essentially* good, which men would (under certain circumstances) be *bound* to perform; and other actions *essentially* evil, which men would at all times be *bound* to avoid. None say, that apart from God's Command, there would be *no* difference between moral good and evil, no *moral obligation*. Now, taking these facts into account, and remembering that this is a purely philosophical question—and remembering also the fatal consequence which would follow did the weight of authority incline otherwise—we cannot forbear expressing our admiration at the pains Mr. Ward has lavished in heaping up testimonies in favour of the doctrine he has so well established. Beginning with Suarez, the able and laborious annotator of all who preceded him, through Vasquez, Lessius, Lugo, down to their most recent successors, Dmowski and Solimani, he traces an unvarying testimony in his favour. He extenuates nothing where a

writer does not seem to go wholly with his views. Where an author does not explicitly lay down what he holds, he sifts out incidental expressions, from which we can safely conclude what his opinion was. And, as in the case of Viva, he sometimes shows that consistency would oblige a writer, who holds an opposite view, to agree with himself. While this Section attests the indefatigable care of our author to leave nothing unexamined which may tend to confirm or weaken his conclusions; it affords another proof of his great humility and his painful anxiousness to hold on by the faith of those who have gone before him.

We have so encroached beyond our limits, that we can only venture on a very brief criticism of the contents of these two Sections. Of the latter we have only to say, that it has been admirably executed, and must receive the genuine approval of all who read it. Of the doctrine contained in the third Section, we have to repeat, that there is a link wanting, which we would wish to see supplied. There will be ample opportunity for doing so in the course of the Second and Third Books. Starting from the principle that Moral Truth is *necessary* truth, Mr. Ward has conclusively proved that it is independent of any act of God, being, in fact, identical with His Divine Essence. But he has not shown how it is *obligatory*. Its necessity will bind the judgments of the intellect, but whence comes its power to bind the free will? whence comes this additional element, which is peculiar to Moral Truth, and distinguishes it from all other kinds of necessary truth? There must be some 'Origin of Moral Obligation' which will address itself to the Will with the same cogency as truth does to the intellect: otherwise man may leave his intellect to speculate in the domains of Moral Relations, and go his ways to do as he pleases. Without such a Principle of Obligation, Moral Truth would be *truth* only, it would not be *moral*. When, then, our author tells us, that the assemblage of these truths is the "Natural Rule," he merely goes as far as Gerdil did with his necessary *rappports des choses*. He furnishes us with no element sufficient to bind the real, concrete, human free will. And when we say he goes as far as Gerdil, we almost say too much. For Gerdil showed *how* those *rappports des choses* could become a *rule* for man. He failed in establishing that they were sufficient to *oblige* him. But he knew there

could be no morality without a rule. But Mr. Ward has not shown how Moral Truth becomes a rule: he does not seem to look on the morality of actions as dependent on their relation to a rule at all. He speaks of actions as if they were *in se*, and apart from any rule, *moral*; just as they are spontaneous or voluntary.

We should have much preferred, that he had commenced with an explanation of morality, showing how it essentially supposes some rule with which actions are compared; and not any rule, but an *obligatory* one, binding our free wills. This would have led him to investigate the Origin of Morality, the Principle of Obligation. He would have shewn how this principle is not to be found in any sentiment or faculty which forms a portion of the contingent nature of man; nor in any abstract entity or relation. Proceeding thus, he would have naturally come to prove, that, as obligation exists independently of any act of God, so its Principle should precede, *secundum rationem*, every such act. It can, then, only be that Divine Nature, which is the source and *exemplar* of all truth, and with which (according to the doctrine he had previously laid down) all necessary truth is identified. This Infinite Divine Nature is the only source, to which an obligation sufficient to bind man's free will can be traced. We do not assert, that this is the best possible system. But, proceeding on the principles laid down by our author, it appears to us to be the most logical and consistent.

But the length, to which our remarks have run, warns us to conclude. We have given an imperfect sketch of a great work: but although imperfect, we think, it bears us out in the assertion, with which we began this article, that it is one of the most remarkable books which has for a long time issued from the English Press. We have been able to notice only a portion of it. On another occasion we hope to return to its consideration. Any commendation of ours would be feeble, compared with its own intrinsic merits. We are sure, to use Mr. Ward's concluding words, "that every reader will be ready to admit that the task assumed by him has been so far satisfactorily accomplished."

ART. IV.—1. *Narrative of the Earl of Elgin's Mission to China and Japan in the years 1857, '58, '59.* By Laurence Oliphant, Private Secretary to Lord Elgin. Second Edition. 2 vols. 8vo. Edinburgh and London: Black wood and Sons, 1860.

2. *Correspondence with Her Majesty's Envoy Extraordinary and Minister Plenipotentiary in Japan.* Presented to both Houses of Parliament by command of Her Majesty. 1860.

IN a former article on the subject of Japan,* we expressed a confident anticipation that the jealous exclusion of foreigners, so long the traditional policy of that extraordinary kingdom, could not possibly be much longer maintained. Almost immediately afterwards circumstances arose which seemed to promise an immediate realization of the prediction. The American government, taking advantage of the occasion afforded by certain outrages committed on citizens of the United States who had been shipwrecked on the Japanese coast, accompanied their demand for satisfaction of these injuries, by negotiations for the establishment of commercial and diplomatic relations with Japan, which led to the admission of American traders to certain ports of the empire, and to the establishment of an American diplomatic mission in the country.

The success of this American enterprise was not lost upon other nations; and Lord Elgin's Mission, the history of which is recorded by Mr. Oliphant in the second volume of his "Narrative," is the first fruit of British diplomacy in these distant regions; while the Correspondence presented to Parliament, and named at the head of these pages, is the earliest evidence of the working of the system which has arisen out of the treaty negotiated by his Lordship.

The article to which we allude had special reference to the religious system and religious condition of the Japanese empire; and the aspirations which it expressed for the opening of the country regarded the abolition of the ancient exclusive policy, mainly in the light of a step to the introduction of Christianity among these extraordinary people. In pursuing this view, therefore, we dwelt prin-

* See vol. xxxiii. pp. 269 and following.

cipally on the religious usages and institutions of the Japanese. On the other hand, the line which Mr. Oliphant has taken in his "Narrative," suggests the idea of a brief account of the social and political institutions of Japan, as a supplement to what we have already written on its religious condition; and thus the account which he gives of what he witnessed during his brief visit, may serve as a light and amusing counterpart for the more grave and serious topics to which our former article was devoted.

At the same time it is hardly necessary to say that it is impossible, in considering the social condition of any people, to abstract from the religion which they profess, and from the religious usages which they follow. Perhaps, also, we ought to add, that as regards Japan, the association of these two relations is peculiarly close and for us peculiarly interesting. Considered as a country which, from having once received in a limited measure the light of the Gospel, and from having for a brief period yielded to the Church no inconsiderable number of children, has lapsed, or is believed to have lapsed, into complete forgetfulness of Christianity, its present social condition presents a most interesting subject for study. It would be curious to search after every source of influence, however hidden and unacknowledged, which the lessons once learnt may still be supposed to exercise, even among those who have long since forgotten or abandoned them in the letter; to compare the institutions of the Japanese with the analogous usages of other kindred races among whom the Gospel had never obtained the same footing which it had once held in Japan; and, even in those of their practices, which, like many of the institutions of Tibet, bear a strong resemblance to the usages of Catholicity, to consider how much of this resemblance may be due to the recollection of the Catholic traditions which they had once imbibed, and how much may be the remnant of that common primeval revelation which, amid all the various corruptions with which it has been overlaid, is still preserved in a greater or less degree in every one of the great religious systems which prevail, or have prevailed, among the heathen nations, whether of ancient or modern times.

Even as regards the national religion of Japan itself, it would be interesting to study its influence as exhibited in the character of the people and in their social condition and social institutions. The Buddhism of China, of Tibet,

and of Japan, are in many essential particulars identical with each other. How different, nevertheless, the national character of each people! How many discrepancies, not only in the details of their usages and the nature of their institutions, but even in the general spirit which pervades them, and by which their working is animated and directed! These are questions which cannot fail to engage the mind of the philosophical inquirer, and which to such a mind must force themselves even into the consideration of subjects which at first sight present nothing of the religious character.

These considerations, moreover, must be of the deepest interest, as bearing upon the future prospects of religion among the Japanese, and of the means which may most successfully be employed in order to turn to good account the opportunity for the introduction of Christianity, which the opening of the country to Europeans may be expected to afford. As a field for missionary enterprise, Japan can hardly be said to have any exact parallel among the pagan nations. Considering merely their relative degrees of civilization and refinement, and also the substantial identity of their religious systems, it might be supposed that the prospects of missionary success would, under similar circumstances, be nearly the same in China and in the Japanese empire; but all travellers, ancient and modern, agree in describing the national character of the two peoples as so different, that any argument of analogy between them would be most illogical and most insecure. Perhaps the nearest approach to the present social state of Japan, is that of Mexico at the time of the Spanish conquest. But with the social condition of the races all analogy ceases. The religious system of the Mexicans (although here, too, there are some analogies of practice) differed most widely from that of Japan, and differed in those precise points which present the greatest difficulty to a philosophical inquirer.

The condition of Japan, indeed, not only seems in itself to be eminently suitable as a field for the apostolic labourer, but is proved to be such by the acknowledged success of its first great apostle, St. Francis Xavier. Mr. Oliphant himself bears the fullest testimony to the fact. After mentioning, without implicitly accepting, the reports of the early chroniclers as to the miraculous powers of the apostle and especially of his supernatural gift of tongues, he confesses

that "whatever may have been the means of proselytism employed, there can be no doubt of the marvellous results." And what is still more important, he adds that "the faith thus implanted in the breasts of some hundreds of thousands of converts was not a mere nominal creed, to be swept away by the first wave of persecution. It not only furnished them with courage, but with arguments with which to meet their persecutors. The answer of a neophyte who was asked how he would respond to his sovereign if ordered to abjure Christianity, is thus recorded: 'Sire, would you wish me to remain faithful, and ever to preserve that submission which it is seemly for a subject to feel towards his king?—would you wish me to manifest zeal for your service on all occasions on which I can be of use, so that no private interest should cause me to forget what I owe you?—would you wish me to be meek, temperate, and loving, full of charity towards my equals—that I should patiently suffer all the ill-treatment to which I may be exposed?—command me then to remain a Christian, for it is from a Christian alone that all this can be reasonably expected.'"

But, however interesting and important these inquiries, we must for the present confine ourselves to what forms the main subject, both of Mr. Oliphant's volume and of the official correspondence of the Envoy Extraordinary. The visit of the former was so brief, and his opportunities of observation, at least of minute or searching observation, were so few, that he could hardly be expected to enter into any very minute details on the subject of religion. His narrative extends over a few weeks only, and although the correspondence of the British Envoy reaches down to the commencement of the present year, yet it is almost entirely confined to the immediate objects of his mission, which were the inauguration of the Commercial Treaty and the establishment of those diplomatic relations with Japan, which form its principal stipulation. We regret to add that the few particulars which it does contain, as to the prospects of friendly intercourse between the Japanese and Europeans, and of the beneficial influence of such intercourse in forwarding the introduction of Christianity into Japan, are far from encouraging. Conflicts of a highly irritating character have taken place, provoked, it is much to be feared, by the same causes—the avarice, profligacy, arrogance, and licentiousness of the European settlers—

which have so often embarrassed and defeated the efforts of the most zealous missionaries among the Heathen ;— which drew so many bitter tears from Las Casas and his brethren in Mexico ; which caused the Jesuit Fathers of Paraguay rigorously to exclude all Europeans from the precincts of the provinces under their charge ; which have led to the almost complete extermination of the Indian race in North America ; and which, except in the favoured Catholic missions of Western Canada and the extreme western states, have almost converted the very name of Christian into a by-word of fear and of reproach among the Red Race of the New World.

These unhappy scandals are especially to be deplored, as acting with tenfold influence upon a people whose own public conduct is so irreproachable as is that of the Japanese. "So far as I have been able to judge," says St. Francis Xavier, "they surpass in virtue and in probity all other nations hitherto discovered. They are of a mild disposition, opposed to chicanery, covetous of honours, which they prefer to everything. Poverty is very common among them, but in no way discreditable, although they endure it with difficulty." The same characteristics are still maintained.

"As locks and keys did not exist, our rooms were open to the incursions of any of the numerous attendants who swarmed about our lodgings ; and though we left the most tempting English curiosities constantly displayed, yet we never had to complain of a single article missing, even of the most trifling value.

"I thought it singular that, during the whole period of our stay in Yedo, I should never have heard a scolding woman, or seen a disturbance in the streets, although, whenever I passed through them, they were densely crowded. Upon no single occasion, though children were numerous, did I ever see a child struck or otherwise maltreated. Thunberg, who passed many years in Japan, mentions the same fact ; and in a description of the Empire in the sixteenth century, from 'The Firste Booke of Relations of Moderne States,' Harleian MS. 6249, the following passage occurs : 'They chastise their children with wordes onlye, and the' admonishe theire children when they are five yeares oulde, as yf the' weare ould men.' To our own knowledge, this mode of educating youth has been in existence for more than three centuries, and the result, according to universal testimony, is in the highest degree satisfactory. Kämpfer, Charlevoix, and Titsingh, agree in saying that the love, obedience, and reverence manifested by children towards their parents is unbounded ; while the confidence placed by parents in their children

is represented to be without limit. Parents select their children to be arbitrators in their disputes with others, and submit implicitly to their decisions; it is also a constant practice for parents to resign their state and property to a son when he shall have attained a suitable age, remaining for the rest of life dependent on him for support; and abuse of this trust is said to be unknown.

"With the exception of one or two religious mendicants, I did not observe in this vast and populous city any beggars. Kæmpfer, however, records having seen them on the country roads. Deformed objects rarely met the eye—not a drunkard crossed our path, though from recent accounts revellers occasionally parade the streets of an evening. From the number of people marked with small-pox, that disease must rage with virulence in Japan, but the appalling sights so familiar in China are unknown there.

"So in our daily intercourse with the Commissioners and our attendants, no instance occurred of any Japanese losing his temper, though it is impossible to suppose that, belonging to a race naturally proud and haughty, they were never tried. These were our experiences, but it does not by any means follow that those who live longer in the country may not have reason to change them. We left Japan thoroughly agreeing with old Kæmpfer, who, after a residence of many years there, thus sums up his estimate of the character of the people: 'United and peaceable, taught to give due worship to the gods, due obedience to the laws, due submission to their superiors, due love and regard to their neighbours, civil, obliging, virtuous; in art and industry excelling all other nations; possessed of an excellent country, enriched by mutual trade and commerce among themselves; courageous, abundantly supplied with all the necessaries of life; and withal, enjoying the fruits of peace and tranquillity.'"—pp. 204-7.

An equally high testimony is borne by Mr. Harris, the American resident, whose opportunities of observation were much more considerable; and it cannot be too much deplored that the moral sense of a people, themselves so unexceptionable, at least in matters of public decorum, should be outraged by the licentiousness, or disgusted by the avarice, of the professors of a religion which is sought to be recommended on the ground of its superior holiness and more sublime spirituality.

Mr. Oliphant's visit, we have said, was of very brief duration. Taking advantage of an interval which occurred in the negotiations regarding the treaty with China, Lord Elgin proceeded to Nagasaki, where he arrived on the 2nd of August, 1858. After a brief stay in this port he passed on to Simoda, and eventually to Yedo, the seat of

Government, where he landed on the 17th of August. It speaks volumes, as well for the energy of the British plenipotentiary, as for the sincerity and good faith, or perhaps the submissive timidity, of the Japanese, that a few days sufficed to complete all the preliminary negotiations, and that the Treaty was finally signed on the 26th of the same month. As the Embassy set out on its return to China, immediately after the execution of the Treaty, the term of Mr. Oliphant's stay in Japan is confined within the single month of August, 1858.

At their very first approach to the coast they were met by an evidence of a very high degree of civilization, and one which, with all their boasted progress, is still unknown to the Chinese. At the moment of their arrival off the island of Iwosima, a signal from its summit telegraphed to the mainland the fact of their appearance off the shore. And this, as they afterwards learned, was but the first link in a long chain of signals by the discharge of artillery, which conveyed the intelligence through a distance of six or seven hundred miles to the capital; so that the Tycoon at the seat of Government in Yedo was apprized of their arrival in the bay of Nagasaki almost before they had come to anchor within it!

Mr. Oliphant's description of the scenery which lay around them, as they approached their anchorage, is exceedingly striking:

"The scenery on the opposite shore is of the same character, but on a grander scale. It trends away in a series of deep bays and beetling cliffs, upon the rugged base of which the waves wage an incessant war, and surge and moan fretfully in deep caves and fissures, as though lamenting their fruitless efforts to undermine them. In charming contrast with these sterner features are grassy slopes and rice fields rising in terraces on the green hill-sides, and shady groves with blue smoke curling above them, denoting the existence of snug hamlets. Securely moored in secluded creeks, or hauled up on little patches of sandy beach, are quaint-shaped native craft; others are glancing about these calm island waters, ferrying across from islands to the main passengers and cargo, or lying motionless as though asleep on the water, their sails 'folded like thoughts in a dream,' while the occupants are fishing. These sails are composed either of strips of matting or of cloth. These are generally black and white alternately, each strip not being above two feet wide, and hoisted perpendicularly. When it is necessary to reduce sail, one or more strips are taken in. When not sailing, they are sculled by ten or a dozen stalwart figures, their entire

clothing consisting but of scanty waistcloths, and their light-bronze complexions giving them an unusually naked appearance. These men all work under substantial awnings of matting, or a light wooden framework, constructed in the after part of the boat. The bows are considered the more honourable position; and hence this is the portion of the boat set apart for passenger accommodation. The prows are sharp-pointed, and elevated high out of the water. Some of these passenger-boats passed close to us for the purpose of a closer inspection. Those within manifested no fear, but a good deal of interest and curiosity; numerous flags fluttered from small flag-staffs in the stern, each device having its appropriate signification, unknown to us. The colours were generally black and white, and the form square or angular. A black circle on a white ground, or black and white triangles, were the commonest; but often they were complicated, and presented to the uninitiated the appearance of an elaborate collection of the emblems of freemasonry.

"Steaming gently on, we presently open the mouth of the long narrow harbour, with the conical wooded island of Pappenberg guarding its entrance; beyond which, formerly, foreign ships were not allowed to penetrate, and which must ever hold an unenviable notoriety in the historical annals of Japan, as the Tarpeian rock, down the precipitous sides of which hundreds of Christians, during the fierce persecution which had for its object the utter extermination of all who professed the creed, were hurled into the deep blue waters which eddy round it. The moral of the sad story is written on the face of the steep hills which enclose the bay: tiers of cannon rise one above another; battery succeeds battery, as point after point is revealed to view. These guns are pointed not so much against the stranger as the Christian, who, while he is dreaded, is no less despised, and the principal result of whose intercourse with the Japanese has been to furnish them with weapons by which they can the more effectually resist his encroachments. Notwithstanding this, Japan is once again open to the Christian: it will remain to be proved how far the estimate which former experience led the authorities of that Empire to form of his practice and his profession, will be justified in the course of his renewed intercourse with its inhabitants."—pp. 3-6.

His first impressions of the town of Nagasaki are equally interesting.

"Crossing this, we reach the head of the flight of steps that descend into the town, which now lies at our feet. The view is peculiarly striking, especially to the stranger who has just arrived from China. Instead of an indefinite congeries of houses built apparently on no settled plan, and so close together that the streets which divide them are completely concealed, we saw before us a wide spacious street, about a mile in length, flanked by neat houses, generally of two stories, with tiled or wooden roofs, and broad eaves

projecting over the lower story. A *pavé* ran down the centre of the street, on each side of which it was carefully gravelled to the gutters. No wheeled vehicle or beast of burden was however visible, but, in default, a plentiful sprinkling of foot-passengers gave it an air of life and animation. It terminated in the distance in a flight of steps, which soon disappeared amid the foliage of the hill-side, crowned with a temple or tea-house, or gleaming with the white-washed walls of some fire-proof store-house.

"As we traversed its entire length no foul odours assailed our nostrils, or hideous cutaneous objects offended our eyesight; nor did inconvenient walls or envious shutters debar us from inspecting, as we passed along, the internal economy of the shops and dwellings on each side. Light wooden screens, neatly papered, and running on slides, are for the most part pushed back in the daytime, and the passer looks through the house to where the waving shrubs of a cool-looking back-garden invite him to extend his investigations. Between the observer and this retreat there are probably one or two rooms, raised about two feet from the ground; and upon the scrupulously clean and well-wadded matting, which is stretched upon the wooden floor, semi-nude men and women loll and lounge, and their altogether nude progeny crawl and feast themselves luxuriously at ever-present fountains. The women seldom wear anything above their waists, the men only a scanty loin-cloth. In the mid-day, during the summer, a general air of languor pervades the community: about sunset the world begins to wash, and the Japanese youth, like copper-coloured cupids, riot tumultuously."—pp. 17-19.

But it was at Yedo that the negotiations for the Commercial Treaty were conducted. Every effort was made to induce Lord Elgin not to proceed beyond Nagasaki; but, with the consciousness of the title which might never fail to bring with it, the British Plenipotentiary disregarded all representations to the contrary, and at once proceeded to the very inmost bay of the capital. It is quite plain that the Treaty was accepted by the Japanese solely under the pressure of political necessity, and it is by no means a matter of surprise that so much difficulty has since arisen in carrying out what seem to be its plainest and most obvious stipulations.

The text of the treaty is given by Mr. Oliphant in his appendix. Its principal stipulations are, that the two governments may severally appoint diplomatic agents and consuls, or consular agents, the British Consul-general having a right to travel to any part of Japan; that a certain number of ports are to be opened to British traders,

with the right of permanently residing, and of leasing ground, and erecting dwelling and warehouses; that British subjects resident in Japan shall be allowed the free exercise of their religion, and shall have a right to erect suitable places of worship; that foreign coin shall be current in Japan; and that in making payments British and Japanese subjects may use indiscriminately foreign or Japanese coin; that, in the free ports, British subjects shall have entire freedom of purchase and sale, export and import, with the exception of contraband and munitions of war, subject only to the duties fixed by tariff. Rules, moreover, are laid down for the administration of justice for British subjects, both among themselves and with the subjects of the Japanese government; for the regulation of police, customs, and transit-duties for the prevention of fraud or smuggling; and the duty of framing articles for the general regulation of trade is reserved for a future commission, to consist of the British Diplomatic Agent and such person or persons as may be appointed for that purpose by the Japanese Government. It is finally stipulated that "the British Government and its subjects shall be allowed free and equal participation in all privileges, immunities, and advantages that may have been, or may hereafter be granted by his Majesty the Tycoon of Japan, to the government or subjects of any other nation."

Carried out in a fair and impartial spirit, it is impossible to overrate the importance of the rights acquired under this treaty. The commercial freedom which it secures contrasts most strikingly with the contemptuous and humiliating restrictions to which the Dutch trade was of old subjected, and to which the love of gain has led the grovelling traders of Holland to submit tamely for two hundred years. It is but a just retribution that of late they have not even "had the profits of a lucrative trade to console them for the ignominy with which they have been treated; on the contrary, it has steadily diminished in proportion as the indignities to which they have been exposed have increased, so that they have been glad, during these last few years, to make a merit of necessity, and profess an earnest desire to assist in promoting intercourse between the Japanese and other nations."

Still more marked is the contrast between the article which secures to British subjects the free exercise of their religion in Japan, as well as the right of erecting suitable

places of worship, with the state of things which had hitherto existed. We do not speak of the painful persecutions with which the change of policy towards Europeans was inaugurated. Mr. Oliphant hesitates to pronounce any opinion as to the truth or falsehood of the charges made against the Dutch, of having promoted for their own selfish ends the expulsion of the Catholic missionaries from Japan—charges, the justice of which, as we saw in our former paper, the best Protestant authorities are forced to confess; but he bears ample testimony to the baseness with which the Dutch at least lent themselves to the worst cruelties of the Japanese. "Then followed," says he, "that frightful series of persecutions, not exceeded in horror or ingenuity of torment by those to which the early Christians were subjected; and in carrying out their ruthless policy against the Christians, the Japanese always found in the Dutch ready and willing assistants. These importunate traders lost no opportunity of insinuating themselves into the good graces of the islanders. They brought over the most exquisite objects of art and nature for annual presents, and demeaned themselves rather as willing slaves than as free burghers. When ordered to demolish their own warehouses and factories, because they were built of finer blocks of hewn stone than the buildings of the country, and were inscribed with the date of the Christian era, they did so with seeming satisfaction, and finally put a climax to their obedience by bombarding, at the behest of the Japanese Government, 37,000 Christians, who were cooped up within the walls of Simabarra."

The miserable meanness with which they submitted to every indignity in order to maintain their footing in Japan has long been matter of history. "So great," says Kæmpfer, "was the covetousness of the Dutch, and so strong the alluring power of the Japanese gold, that, rather than quit the prospect of a trade (indeed most advantageous), they willingly underwent an almost perpetual imprisonment—for such, in fact, is our residence in Decima; and chose to suffer many hardships in a foreign and heathen country—to be remiss in performing Divine service on Sundays and solemn festivals—to leave off praying and singing of psalms—entirely to avoid the sign of the cross, the calling upon the name of Christ in presence of the natives, and all the outer signs of Christianity; and, lastly, patiently and submissively to bear the abusive and inju-

rious behaviour of these proud infidels towards us, than which nothing can be offered more shocking to a generous and noble mind."

We have seen in our former paper that the measures taken to ensure their renunciation of the profession of Christianity were even more shocking and more revolting to every religious feeling. And Mr. Oliphant records, on the authority of Thunberg, that even down to the last few years, "on anchoring at the entrance of the harbour, all the Bibles and prayer-books belonging to the sailors were collected and put into a chest, which was nailed down. This chest was afterwards left under the care of the Japanese till the time of their departure, when every one received his book again."

The Japanese were subject to corresponding restrictions in their intercourse with foreigners. They were bound not to serve the Dutch except in the day time, not to enter into any conversation on the Christian religion, and even not to converse familiarly with the Dutch upon any subject whatsoever. The gates of their settlement at Decima were locked at night, and all intercourse with the town of Nagasaki was cut off at sunset. Many other annoying restrictions of a purely personal nature, moreover, were imposed, one of the occasions for the enactment of which Mr. Oliphant amusingly describes.

"The captain of Thunberg's ship was in the habit of going on shore in breeches of enormous capacity even for a Dutchman, so heavily laden with secreted articles of contraband that he required the support of two sailors to enable him to walk. The Japanese, disposed, in the first instance, to believe well of strangers, are, on the other hand, when their suspicions are once awakened, vigilant in the extreme, and are not slow in enforcing preventive measures. Let the fate of the Dutch skipper be a warning to the British smuggler, who has been known occasionally to extend his operations eastward of the Cape: that dishonest navigator was obliged to reduce his trousers to the dimensions of those worn by portly burgo-masters, and was further subject to the indignity of having his legs felt, and his pockets turned inside out, upon the rare occasions when, in compliance with the urgent representations of the Dutch superintendent, the Governor allowed him to land and visit the factory. Henceforward no man was considered safe. One gentleman was betrayed by an indiscreet parrot talking in his pocket; another had sewn up dollars in his drawers; so that the Japanese researches became more curious than ever, even to the guaging of high-flavoured cheeses and the breaking of suspected eggs. Thus

has commercial dishonesty and political subserviency worked to the prejudice of the foreigner in the mind of the Japanese, whose confidence in us can only be restored by the adherence of the merchant to a high code of mercantile morality, and by the maintenance, on the part of those who represent our country, of its national dignity."—pp. 13, 14.

Our readers, however, will be more interested by a few specimens of the manners and customs of the Japanese, which fell under the personal observation of the author during his brief visit to Japan. Here, for example, is a picture of the Rotten Row of Nagasaki, the port at which Lord Elgin's Embassy first arrived.

"In the course of our walk we came to a large enclosure, and on entering it found fifteen or twenty men on horseback, galloping and curveting about a considerable area, apparently used as a riding-school. This we understood was the constant afternoon amusement of the 'young bloods' of Nagasaki. They were all men of fortune and family, princes and nobles of the land, and this was their Rotten Row. They rode fiery little steeds, averaging about fourteen hands in height, and took a delight in riding full gallop and pulling up short, after the favourite manner of the Arabs. The saddles were constructed on the same principle as they are in China, but with less padding. The stirrup-leathers were short, and the stirrups like huge slippers made of lacquer. The bit was powerful, and the reins were of muslin, but strong notwithstanding. The most remarkable feature in the costume of the riders was their hats; these were like shields, almost perfectly flat, made of lacquer, and fastened on the head by a variety of lashings. Two strings crossed each other at the back of the head, two crossed under the nose, and two more under the chin. It is as much trouble to tie on a Japanese hat as to put on a pair of skates; and when it is done the face looks all laced over, as if there was something serious the matter with it. Still it was wonderful how effectual the lashing was, and how firmly the flat roof, or rather 'tile,' seemed fixed on their heads.

"When we appeared, two or three good-looking young men pulled up near us, jumped off their horses, and most good-naturedly pressed them upon us. I took a short uncomfortable gallop upon one with a propensity to kick, and was glad soon to relinquish him to his smiling owner. We were much struck by the gentleman-like and unconstrained bearing of these young men, who evidently wished to show us all the civility in their power."—pp. 56-8.

Such is the Japanese counterpart of the park-riding of a British city. The more business-like equestrianism of a journey is somewhat different.

"We were supplied with tea while the norimons and horses were getting ready. Norimons are the palanquins of Japan; they differ, however, from the ordinary palanquin, in being square instead of oblong, so that a reclining posture is impossible. The occupant sits cross-legged, and is very near the ground, the pole on which the norimon is supported passing over the roof. Four men carry this somewhat uncomfortable contrivance, which is by no means well adapted to the stranger desirous of looking about him: under these circumstances I always avoided a norimon when it was possible to get a horse. Upon this occasion we had our choice: they were all standing outside the gate, where an immense crowd was already collected.

"I soon found myself upon a fiery galloway, perched on a very hard saddle, my feet in stirrups almost big enough to go to sea in, and something between a catamaran and a Turkish slipper in shape. They are pointed at one end so as to serve the purpose of a spur; and if the horse is fresh, the great business of life is to keep the stirrup from touching him; but it is impossible to devote one's whole attention to this, for as the stirrup-leathers are full of knots, and the saddle full of knobs, and most of us have left China, martyrs to that scourge of the country, boils—our minds are fully occupied with a variety of weighty considerations. Still I found time to observe that my horse's tail was carefully tied up in a long bag which almost reached the ground; that his feet were swaddled in straw shoes, an abundant supply of which I carried hanging under my stirrups. These were carefully fastened on with lashings of twisted straw, and whenever one shoe was worn out or kicked off, another was immediately tied on; hence arises the custom in Japan of measuring distances by horses' shoes. Here you ask in how many horse-shoes will I reach the residence of the Spiritual Emperor? which, after all, does not differ very much from the old problem of how many cows' tails will reach the moon.

"Fortunately each horse was attended by two grooms, it being a great point with a Japanese that the public should suppose him riding an animal so spirited that the combined exertions of two men are scarcely sufficient to restrain his ardour. These men tugged incessantly at the mouth of my poor steed, shouting to him constantly, 'Chai, chai,' which means 'Gently, gently,' and making an immense fuss whenever we came to a gutter; but I was too glad to be relieved the responsibility of guiding him to interfere, and the muslin reins hung listlessly between my fingers."—pp. 109-11.

The public amusements of the Japanese present some curious analogies to our own. In the grounds attached to one of the temples at Yedo, Mr. Oliphant found a number of peepshows and pleasure-booths, just such as would have

graced one of our own race-courses on rustic holiday scenes of enjoyment. "Aunt Sally," in various forms, held a prominent place, and everywhere might be seen groups of loungers throwing sticks, or shooting arrows at so much a shot. "Mrs. Jarley," too, has her representative in Japan; although we fear that that lady's high moral sense would be somewhat outraged by the character of the kindred exhibition at Yedo.

"Immediately on entering, a gorgeously decorated junk, almost the size of *Nature*, gaily freighted with a pleasure-party, was sailing over an ocean so violently agitated that only one result could be anticipated in real life; but the junk was merely a sort of scene to conceal the exhibition behind it. This consisted of a series of groups of figures carved in wood the size of life, and as cleverly coloured as Madame Tussaud's wax-works. No. 1 was a group of old men, in which decrepitude and senility of countenance were admirably portrayed. No. 2, a group of young Japanese Hebes dressing, and a country clodhopper rooted to the spot in ecstacy at the contemplation of their charms. The humour of this tableau consisted in an appearance of unconsciousness on the part of the ladies. No. 3 was a princess in magnificent array, seated on a dais, watching her maids of honour going through divers gymnastic performances: one of them was in a position more agile than graceful, her occupation being, while extended on her back, to keep a ball dancing in the air on the soles of her feet. The attitudes, which were extremely difficult to represent correctly in wood-carving, were executed with wonderful spirit and truth to nature. No. 4 was a group of men quarrelling over sake; the fragments of the cups, dashed to pieces in their anger, lay strewn about. Upon the countenances of two of the men the expression of ungovernable rage was well depicted. The other was leaning back and laughing immoderately. No. 5 was a group of women bathing in the sea; one of them had been caught in the folds of a cuttle-fish, the others, in alarm, were escaping, leaving their companion to her fate. The cuttle-fish was represented on a huge scale, its eyes, eyelids, and mouth being made to move simultaneously by a man inside the head."—pp. 215 16.

The Japanese juggler has not much to distinguish him from his European fellows, and still less from those of China. Lord Elgin, with a view to obtaining specimens of the social entertainments popular among the Japanese, had made arrangements to introduce into the ceremonial of a great state banquet to which he invited the Commissioners for the conclusion of the treaty, an exhibition of wrestlers, top-spinners, and jugglers; and the officers of the expedition were invited to witness the performance.

Unfortunately, through some mistake, the wrestlers and top-spinners failed to appear.

"We were, however, not disappointed by the juggler; he arrived late in the afternoon with attendants, wearing the apparatus indicative of his calling, and proceeded to convert Lord Elgin's sitting-room into a theatre for his operations. The spectators were ranged on seats in the garden. The conjurer was a venerable old man with a keen eye, a handsome intelligent face, and a long grey beard, the only instance I saw in the country of a countenance so adorned. His dress was very similar to that usually worn by the magicians of Egypt, and was well calculated to increase his imposing aspect. Its ample folds and flowing sleeves, moreover, afforded him many facilities in the exercise of his slights of hand. Those tricks which were dependent merely on prestidigitation were certainly not superior to the ordinary tricks of conjurers in other countries. He produced inexhaustible substances out of very shallow boxes, which became unaccountably full and empty, and magically converted a small quantity of cotton which he had tapped into an egg upon his fan into a number of very substantial umbrellas; but these were the mere tricks of the trade, the excellence of which could best be appreciated by professional artists. That about which there was no trick, but which struck us as exhibiting the most singular display of skill, was the famous performance with artificial butterflies. These were made in the simplest manner. A sheet of paper torn into slips supplied all the materials. By tearing these again into small oblong pieces, and twisting them in the centre, they were made roughly to represent the body and two wings. Two of these impromptu butterflies were then puffed into the air, and kept in suspense there by the action of the fan beneath them. This required to be most carefully and scientifically applied, so as not only to prevent their separating, but to guide their motions in any required direction. Now they would flutter aloft as though chasing each other in playful dalliance, at one moment twine together, at another so far apart that it seemed a mystery how the same fan could act upon both. Then they would settle together upon the leaf of a neighbouring shrub, or, more curious still, alight gently on the edge of the fan itself. The intense attention which this performance required on the part of the operator, proved that, though to the spectators the matter seemed easy enough, it called forth the exercise of all the faculties, and involved no doubt a long course of practice before proficiency could be attained.

"During the whole period of his performances, the wizard, after the manner of that fraternity, never ceased talking; and, to judge by the merriment he excited among the Commissioners, and the extent to which Higo was tickled, his remarks must have been of a highly facetious character, though he maintained himself the most imperturbable gravity throughout."—pp. 223-5.

A Japanese dinner partakes very much of the character of the Chinese *cuisine*.

"Meantime the dinner, which has been ordered, has arrived. Spread out upon the floor in lacquered bowls, it occupies the greater portion of the room. It has been quickly and deftly arranged by a train of neatly dressed maidens, who now seat themselves round it and invite us to partake. We have long since taken off our shoes, and now squat in a circle on the floor, and gaze with curiosity, not unmixed with alarm, at the display before us. There is raw fish thinly sliced, and salted ginger; there are prawns piled up with a substance which in taste and appearance very much resembles toffy; there are pickled eggs and rock-leeches, and pieces of gristle belonging to animals unknown, to be eaten with soy; and yams and pears, and various sorts of fruits and vegetables prepared, some of them palatably enough; but still the experiment is hazardous, and we are relieved at the sight of a bowl of rice as a safe *piece de resistance*.

"The ministering spirits seem to delight in pressing upon us the nastiest things, apparently for the amusement which our wry faces affords them. Presently another troop of damsels with lutes and tomtoms come tripping in; but they elicit from their musical instruments the most discordant sounds to our non-Japanese ears, so that we are glad to take refuge in the balcony; and having once more feasted our eyes upon the fading prospect, we descend from our airy position to the streets, now rapidly subsiding into that early evening stillness which gives evidence that the good folks of Nagasaki do not allow either business or pleasure to steal from them the best hours of the night."—pp. 59, 60.

'Still more curious is the entertainment supplied to the expedition by the Emperor himself at Yedo.

"The Emperor had sent a Japanese dinner to his Excellency, and when we arrived the floor of our dining-room was strewn with delicacies. Each person was provided with a little repast of his own, the exact ditto to that in which all his friends were indulging;—and when anybody made a gastronomic discovery of any value, he announced it to the company: so at the recommendation of one we all plunged into the red lacquer cups on the right, or, at the invitation of another, dashed recklessly at what seemed to be pickled slugs on the left. We found it difficult even then to describe to each other the exact dishes we meant, how much more hopeless to attempt it now? There was a good deal of sea-weed about it, and we each had a capital broiled fish. With that and an immense bowl of rice, it was impossible to starve; but my curiosity triumphed over my discretion, and I tasted of every pickle and condiment, and each animal and vegetable delicacy, of every variety of colour, con-

sistency, and flavour ; an experience from which I would recommend any future visitor to Japan to abstain.

"As the Japanese have neither pigs nor sheep, poultry, venison, and fish are the staples. Many of the religious sects in the country forbid the consumption of animal food. Meanwhile our lacquer cups were abundantly replenished with hot sakee, a spirit extracted from rice, and of a pale-sherry colour. It is by no means of a disagreeable flavour, though, when imbibed very hot, it is somewhat intoxicating. We were thankful at last to get to bed after so much excitement ; and if our rest was somewhat troubled, we had no right to complain."—pp. 131-2.

There is one usage, however, which might shock our English notions. The Governor of Simoda, in the course of a visit to Lord Elgin on board ship, was invited to partake of an English luncheon, towards the close of which he "proceeded to wrap up in square pieces of paper any articles of food which particularly struck his fancy, which he carried in the folds of his shirt, saying, as he did so, that he had a number of children at home of an age to appreciate the culinary curiosities of foreign parts. Many of his suit seemed to have families also, for they followed his example. I rather think one attempted to carry away some strawberry jam in his bosom, or in the sleeve of his coat, which was made full and baggy for the purpose. These square pieces of paper are not used exclusively for wrapping up food in ; upon them inquisitive Japanese take notes, and in them they blow their noses. It is a mark of politeness to carry away a quantity of food from a dinner-table ; so much so that a very civil guest sometimes brings a servant and basket to carry away those remnants which a good English housekeeper would appropriate to luncheon next day. This is a somewhat expensive mode of showing approval of one's friend's dinner, but not so disagreeable as the eructations in which a man of good-breeding indulges with the same object."

Those usages, however, which illustrate the social and moral habits of the population are of more importance. Mr. Oliphant's notes of his first entrance into Yedo contain some observations of much interest.

"The crowd was, to all appearance, entirely composed of the shopkeepers and lower classes. The men were decently clothed, and the women wore a sort of jacket above their skirt, which was, however, constructed upon a rather *negligé* principle. The first impression of the fair sex which the traveller receives in a Japanese crowd

is in the highest degree unfavourable ; the ghastly appearance of the faces and bosoms, thickly coated with powder, the absence of eyebrows, and the blackened teeth, produce a most painful and disagreeable effect. Were it not for this abominable custom, Japanese women would probably rank high among Eastern beauties, certainly far before Chinese. All Japanese writers whom I have read upon the subject, affirm that to have no eyebrows and black teeth is considered a beauty in Japan, and that the object of the process is to add to the charms of the fair one. The result of my inquiry and observation, however, rather led me to form an opposite conclusion.

"In the first place, young ladies do not, as a rule, neglect any means of improving their looks ; but no Japanese young ladies, even after they are 'out,' think of taking this method of increasing their powers of fascination ; they colour their cheeks and lips and deck their hair, but it is not until they have made a conquest of some lucky swain, that, to prove their devotion to him, they begin to blacken their teeth and pull out their eyebrows. He, privileged being, is called upon to exhibit no such test of his affection ; on the contrary, his lawful wife having so far disfigured herself as to render it impossible that she should be attractive to any one else, seems to lose her charms for her husband as well ; so he places her at the head of his establishment, and adds to it an indefinite number of handmaidens, who neither pull out their eyebrows nor blacken their teeth ; hence it seems not difficult to account for the phenomenon which is universally admitted, that while Japanese wives are celebrated for their virtue, their husbands are no less notorious for their licentiousness.

"It is only fair to state that, in addition to black teeth and bare brows, a Japanese Lothario has the avenging dagger to deter him from intrigue, adultery in Japan being punished by the death of both the guilty parties. But it must not be supposed that the ladies of Japan consider themselves a more ill-used race than those in other parts of the world ; so far from it, there is probably no Eastern country in which the women have so much liberty or such great social enjoyment. Polygamy is not permitted, and, from all we could learn, the position of the ladies corresponds more nearly to that which they occupy in the West than in the East. They are respected in society as lawful wives, and their children inherit whatever titles or property appertain to the family. To them belong all the privileges of legitimacy in a country where 'family' is much esteemed : a matrimonial alliance is, consequently, a matter of serious consideration to parents, and a good match much to be desired. Then these ladies are subject to no seclusion, but go to theatres, breakfasts, picnics, and even flower-shows, conducted after their own fashion. They are very fond of pleasure-parties on the water, and are skilled in the guitar, so that it is quite possible to be sentimental in Japan even with black teeth. The ladies are also said

to be adepts at dancing, but the gentlemen look on instead of offering themselves as partners."—pp. 113 16.

It is not without great reluctance that, before closing, we feel ourselves obliged to revert to one of the topics suggested by these observations—the fearful prevalence of incontinence among the Japanese population. In our former Article* we briefly adverted to this painful characteristic. But it enters so directly as an element into the consideration of the prospects, social and religious, of the country, and of the probable influence upon both which may be expected from increased intercourse with Christians, and from the teaching of Christian missionaries, that we cannot choose but record the new and very curious particulars which Mr. Oliphant has collected on the subject. There is no country in the world where the practice of prostitution exists upon so vast a scale, and where it is so thoroughly reduced to system. It is not merely that the Government exercises a control over the members of this elsewhere degraded profession, and derives a large revenue from a source so infamous, but it becomes itself the direct agent in the organization of the system. All the proprieties of ordinary life, and the rigour of public opinion, seem utterly relaxed in its regard. Two distinct quarters of the city of Yedo are given up unreservedly to this infamous traffic. The wretched victims of licentiousness are divided into four classes, according to their rank in the social scale. One of these quarters, the eastern suburb of the city, is the worst of the lower divisions; the other is set apart for the first and most distinguished class. Hither, strange as it may seem, and painful as is the condition of public morality which it implies, “noblemen repair with their wives and families, to pass an hour or two in the society of women who are considered the most highly accomplished of their sex. Not only are they expert in music, singing, painting, dancing, and embroidery, but it is said that they are highly educated, and charm by reason of their conversational powers.

“Although it is usual to visit such resorts ‘*nayboen*,’ (incognito) it is considered no disgrace for the master of the house to be accompanied by the female members of his family. Nor is it any uncommon thing for a man of rank to

* Vol. xxxiii. 286.

choose his wife from an establishment of this description. That a woman should have been brought up in one of them operates in no way unfavourably against her in a social point of view; nor after her eyebrows are pulled out, and her teeth blackened, is she less likely to make a good wife than any one else. It would indeed be somewhat unfair upon her if she suffered for this accident of her early life, for she is bought as a mere child by the degraded men who speculate in this trade, of indigent parents, who are unable to maintain a family of girls, and at the age of seven or eight enters the establishment. Her first years are spent in her education, and after she is grown up, her master is ready to part with her whenever he receives a fair offer."

The direct action of the Government is placed beyond all question by a report which Mr. Oliphant obtained from an unexceptionable authority, and which distinctly affirms that the practice "is supported and protected by the Government, large districts being set apart for the residence of the females, who are kept under strict surveillance. Parents who are unable, or disinclined, to bring up their female children, can sell them to the Government between the ages of six and ten. Until they are fourteen they remain as servants, and are educated in various domestic duties, such as cooking, housekeeping, &c. At that age they come on the regular establishment, are open to the public, and are obliged to serve in this capacity for ten years. Should any man, before that period elapses, wish to marry any one of them, he must pay the Government a sum of money for permission to do so; her name, however, being still retained on the books. Should no such offer be made, at the expiry of the ten years she is returned to her parents or friends, with a small sum of money, and having been taught some employment. No disgrace attaches to women who have been brought up in this manner, and they generally make good marriages; but should she be guilty, after marriage, of any indiscretion, it is in her case (as in that of every Japanese wife) punishable by death."

We shall not dwell upon the correspondence of the minister plenipotentiary. It is chiefly interesting for the information which it affords as to the real feeling of the Japanese government and people on the commercial treaty. Nothing can be more plain than the fact that the treaty was accepted, not, it is true, under direct compul-

sion, but as a political necessity, which it was impossible to resist, and that even at the moment of its being accepted, it was in the hope that circumstances might subsequently enable them to neutralize or evade its provisions. Mr. Alcock's correspondence amply attests the indisposition, as well of the government as of the population, to enter cordially into the relations which the terms of the Treaty suppose, and for which they stipulate; and we regret to add, that the same correspondence proves but too plainly that this indisposition on the part of the Japanese to cultivate the intercourse which it is sought to force upon them, is only too well justified by the character and the conduct of some at least of those Europeans among whom have been the pioneers of the new commercial immigration.

ART. V.—*Le Progrès par le Christianisme*. Conférences de Notre-Dame de Paris. Par le R. P. Félix, de la Compagnie de Jésus. Ire. année, 1856. Paris: Libraire Adrien Le Clere et Cie.

THE creating hand of God has implanted deep in every human breast a yearning after the perfect and the infinite, a thirst after an unseen and immeasurable good, earnest as that of the hart panting after fountains of water. It may be indeed that the real good is not always discerned, that some object of evil usurps its place, and under false colours leads astray the deluded heart. Still this very fact is proof that the desire of something not yet attained exists in all, that the hearts of all throb for a good not yet possessed, and a good this world can never give; for when the phantom which forms the object of the moment is grasped, it is thrown aside like the toy of an infant, or used only as a stepping-stone to what lies beyond. Ever restless in the eager pursuit of that which for the time appears the one object of life, the mass of the human race, or at least of that portion of the human race whose hopes and aims rise not above this earth, are employed in the pursuit of ends which, like the Dead sea fruits, turn to ashes in their grasp; or it may be some

apparently more precious prize comes in sight before the one reached has been scarcely tasted; and few pause to reflect on the poet's words,—

“Never ending, still beginning,
Fighting still, and still destroying,
If the world be worth thy winning,
Think, oh think it worth enjoying.”

But no! It is neither worth the winning nor the enjoying, for the whole universe can never satisfy man's soul. The nobler the nature the more ardently burns this insatiable heaven-instilled fire of longing, this thirst which no creature, no object of earth can ever assuage. Hence comes it that fine and sensitive souls, who yet know not God, exclaim with Shelley,—

“We look before and after,
And pine for what is not;
Our sincerest laughter,
With some pain is fraught;
Our sweetest songs are those that tell of saddest thought.”

But to Christian men is revealed the secret of that universal and wistful pining; that yearning for what in fact is the very opposite to “*what is not*.” It is the human heart seeking for *what is*, stretching out its arms after the one great and everlasting “*I AM*,” after Him who made it, and who alone can fill and satisfy it. Hence, we wander in our exile, “weeping and sighing in this vale of tears,” exclaiming from our innermost being,—“*Deus, Deus meus: ad te de luce vigilo. Sitivit in te anima mea: quam multipliciter tibi caro mea.*” Yes, “in ways how manifold” do men display this inborn thirst, whether individually or collectively, whether singly in the pursuit of personal aims, or conjointly when whole nations unite in proclaiming some great watchword of humanity, and re-echo it around the civilized globe, as they now with one voice call out for “*Progress*.” Well might the Père Félix experience the sentiments he describes when in the preface to his Conferences he tells us:—“It seems to me as if Jesus Christ had in silence spoken to me that great word which, together with their mission conferred courage and power on the Apostles, ‘*Ite, go; go say to these men, empassioned after progress, that,—Progress, it is I.*’”

Never can the Church, the true Mother of mankind, be

heedless of these universal impulses. It is hers to mark and direct the tendencies of the ages as one by one in quick succession they pass along before her throne, which is destined to endure through all, even to the consummation of the world. Whether men will hear, or whether they will forbear, it is her part to descend among their ranks, to guide and assist their aspirations, to direct to its true end the instinct of the day, and by these means to secure eternity for such as will give heed to her warning voice in time; and not only so, but if it may be, to win for future generations the blessings which must flow from the due appreciation and faithful following of the calls of God, as one by one they become manifested among the peoples. Unchangeable in her doctrine and her principles, Christianity still adapts herself to every change among men; the sacred Heart of her Divine Master knows what is in man, and knows how to meet all man's wants; it is infinite in wisdom as in love and in compassion, and there is no chord which can vibrate in the human soul but finds its response in the tender Heart of Jesus, and in the tender voice of His Catholic Church, in which He lives and breathes still on this earth. In this she possesses that unmistakeable stamp of Divinity no mere human system can exhibit. Such systems may live for their day, and so long as the circumstances which called them forth continue; but it is only to wither and die, so soon as the earthly prop on which they lean fails to support them, God's Church, founded on the everlasting hills, and living by the Spirit of God, appears as a heavenly messenger among men, stooping to the alleviation of their lowest needs, and the soothing of their humblest sorrows, but always independent of them, not created by them, not looking to them for support. Hence, while in her heavenly life she remains one and the same throughout all time, yet like her great Apostle, she becomes "all things to all men, that she may save all;" and as a nurse lends herself to the varying mood of the sick one she is tending, so does the Good Shepherd through His Church seek to direct, rather than to thwart, every tendency, not evil in itself, of poor suffering manhood. Now this cry for Progress, so far from being evil in itself, has a double claim on the loving ear of Christ; for what is it in its true sense but an answer to His own blessed precept—"Be you therefore perfect, as also your heavenly Father is per-

fect?"* It is when this type of perfection is lost sight of that what is esteemed to be Progress becomes retrogression; not because the desire to progress is evil, but because the road and the end to be attained are mistaken. Let us make room for the eloquent words of Father Felix:—

"Man created perfectible, his eye and his heart opened to the infinite; man, from the gulf of his misery, feels himself capable of a perfection which he imagines, which he dreams of, and which he possesses not. On the threshold of his existence, from the dawn of his reason, he catches glimpses at the end of a distant perspective of the image of a perfection which reveals itself to attract him towards it. That perfection, intimately revealed in the sanctuary of his soul, becomes for him an impulse which solicits him to ascend in every order of things, towards all to be found in them which is most elevated, most beautiful, most perfect, most like to God; for this impulse is nothing else than the movement of life seeking its ideal, and striving after its imitation; the greatness which attracts him is a ray from God beaming in his soul, and the movement which he receives from it is an impress of the infinite which has touched him. God in fact has touched the depths of the human soul; He has shed there His own reflection, and with it a charm of His own: and man, moved by that reflection and that charm of God, seeks everywhere and in all that infinite of which he bears in himself the unalterable impress and the invincible seduction. He stretches after it with all his powers, he pursues it in all his movements; and even in his most extravagant wanderings and most profound degradations, he still dreams after and seeks that infinite which he is pursuing always, even when his course leads him far from it."—pp. 16, 17.

Again, in the same preliminary discourse, our author observes:—

"Now, I say that this pursuit of the infinite, which is nothing else but the seeking after Progress, appertains to what is most legitimate in human life; it is the passion of the magnanimous, it is the ambition of the generous; it is the most noble vocation of man; it is even man following the most divine of his impulses, marching under the attracting influence of God to the most glorious of his destinies. No, no, this need of the more perfect, this ambition for that which is best, is not in man an idle jest of Providence; it is the sign of the vocation which Providence has vouchsafed him in opening before him the perspective of the infinite; vocation truly royal by which God calls man to advance in every way, and to make of all creatures steps of ascent by which he may

* St. Matt. v. 48.

mount even to Himself. To stop man, then, on his march, to invite him to stand still by telling him :—‘Thou shalt go no further,’—is to violate his law, and to fall short of his destiny ; it is an outrage against man and a disobedience towards God.

“But, observe carefully, the more legitimate the movement which impels man towards progress, the more important it becomes to give it a safe direction. The more holy that tendency, the more need has it of a divine light and rule to guide it on its way.”—pp. 18, 19.

For, as Father Felix goes on to observe, the greatest evils spring from the perversion of what is good in itself. Not only in the sacred name of liberty, but even under that of religion, have been committed the grossest crimes which stain the page of history ; and the world is full of instances how that holy influence, the most divine which we possess, can be perverted to serve the cause of that which is worst and lowest in our nature. The aspiration after progress, more than all others, requires direction, because there is none in human nature which has more power. What is it which gives men strength to acquire greatness by heroic efforts, but the power of attraction onwards towards perfection ?

“It is this which forms the illustrious artists, the immortal poets, the powerful orators, the heroic sanctities, in one word, the great man in every order of things ; the man who has seen his ideal, and who exclaims when he looks at his own work,—‘I can do better, I will mount higher.’”—p. 24.

Who shall calculate the power and the force of this movement when it becomes universal ? when not individuals alone, like Alexander, refuse ever to say, “Enough,” but when all mankind unites in the cry of, “Advance ; onward from Progress to Progress ?” When men concentrate in such a movement the active energies of their life, the result must inevitably be a greatness allied to heavenly, or a ruin akin to that of the fallen angels ; and which of these becomes the ultimate end depends on the path that is followed ; this gigantic force which, assisted from above, may make man great, derives from the corruption of human nature additional and fearful power if employed in a downward direction ;

“Facilis est descensus Averni !”

It was under the pretence of progress that the enemy deceived our first parents,—“Eat,” he said, “and you

shall be as gods." It was because they swerved from the true path of progress which God had marked out for them, when He said, "Eat *not*," that they lost Paradise, and opened the doors to sin and death for all future time.

"Ah! Messieurs," exclaims the preacher, "when a people altogether under the fascination of progress, mistakes its true import, when it designates by this name all that is abasing and degrading, what must follow? That people will become dizzy, and will turn all its energy back against itself. All that it retains of greatness will conspire against its greatness; all that it retains of power will conspire to weaken it; and all its efforts to rise will only serve to render its fall the deeper."—p. 34.

Then, the very nature of things and the nature of man imperatively demand that a true direction be given to the aspirations of his heart after Progress. And it is especially required at the present moment when, more than in any preceding age, Progress is the ruling passion, the cry of the civilized world. In the 16th century the cry was for reform, in the 18th for liberty; and nothing has yet been able to repair the disasters which followed from the mistaken interpretation of those words, so good in themselves, and from the false direction given to the movement they produced. We live in an age of discussion and division of opinion, but there is one idea which no one calls in question: "Progress is the *idea* of the age." If a party or a school would win the popular voice, it seeks to proclaim itself as the party or the school of Progress; and if it would decry its rivals, the term of reproach which rises to its lips, is Retrogrades! Progress is the *passion* of the age. It is the cry of rich and poor, of high and low, of prince and peasant, of England, of France, of the world. Men differ as to the mode of obtaining it, differ as to the question of what it consists in, but all unite in desiring it. And Progress is the *will* of the age. It is this will, this determination to advance in science, in wealth, in learning, that has produced a state of things which would make our fathers of but a century since astounded with the change, could they arise from their graves and witness the life, the perpetual motion, one may say, of the present day. Thus, as the character of an individual may be judged by that which forms his ruling idea, his guiding passion, and the leading object of his will, so may we affirm of the age in which we live, that its characteristic mark is Progress; Progress,

whether for good or for evil, according as the course it pursues be true or false. "En avant" is its idea, its passion, its will. But who is to bear the standard with this brave device? On this it turns whether the end be Excelsior or the reverse. God forbid any true man should set himself to oppose this idea, this passion, this will; but how is it to be guided aright, who is its true leader? We answer unhesitatingly, the Catholic Church, and none but she. She who belongs at once to the past and the present, and whose counsels, if heeded, would lead mankind in a direction ever onwards; there is no true progress without her, and with her there is no fear lest progress should be other than true, and sure, and glorious. Shallow minds of the age may regard her as belonging to the past alone; but no! in her we have the presence, we have the voice of Him who is for all time and for eternity, "Jesus Christ yesterday, and to-day, and the same for ever."

"Glory be to God, and hope to men, there exists the true rule for progress: Christianity! The road to be followed opens out before you, mounting from earth to heaven; it is the path by which humanity, united to Jesus Christ, is called upon to advance from greatness to greatness, till it reaches the summit of every greatness. Christianity is the doctrine of Progress; Christianity is the law of Progress; Christianity is the history of Progress; Christianity is Progress itself. It is Jesus Christ living in man, Jesus Christ incorporating Himself with humanity, and incorporating humanity with Himself."—p. 59.

As, some eighteen centuries ago, St. Paul perceived in philosophical Athens an altar to the unknown God, holding its place among the idols of the city, so now in the midst of the pleasures, and the riches, and the science, which form the idols of our day, we find an unknown God to whom all pay homage, under the name of Progress. Like another St. Paul, the preacher must raise his voice to teach men that this Progress is to be found in Christ, and in Christ alone.

Before we arrive at the true doctrine and rule of progress, we must clearly understand its beginning and its end, its origin and its destiny; we must be able to answer those fundamental questions, "Whence come we? whither go we?" We will not follow the Père Félix through his masterly exposé of the utter inability of any system outside of Christianity to give a rational reply to them. The cloud of mystery in which the subject must ever be

shrouded, without the light of revelation, can only be dissipated by the Catholic doctrine of man created by the Almighty power of God, raised by Him to a supernatural state of grace, from which by an act of his own free will he fell; fell from this life divine, and entered on a downward course; thus came sin on himself and all his progeny, and though, through the unspeakable mercy of his Creator, a means of reparation was vouchsafed him, whereby he might follow his higher tendency to progress instead of his natural inclination to decline, yet that progress must be achieved by the sweat of his brow, by the hard earned conquest of himself and his evil propensities. This evil is *in man*; it is not merely in society, in institutions, in forms of government; reform these as you may, you will have done less than nothing till you reform man himself. Thus, nothing can be more false than to suppose that Progress consists in the free expansion of man's nature, of his instincts, of his passions, and that the beau idéal of society is that in which each individual may the most freely indulge them all without injury to his fellow-men, so that the only limit to this so-called liberty is to be respect for the same liberty in others. An idea as wild and absurd as it is anti-christian! God wills man's progress. Yes! But He wills it on the condition of man's efforts, and conquests over himself:—"The life of man upon earth is a warfare."^{*}

But it is a warfare in which he is not left unaided. The dogmas of the creation and the fall remain imperfect without the dogma of the Reparation. In the first Adam and Eve, and through their fall, all mankind tend to a downward course, which threatens their final ruin; but a new Adam and a new Eve have arrested them in their descent, and brought them a divine force, by the aid of which they may remount and still attain the destiny they had lost. The life of God in man, restored by Jesus Christ, this, and this alone, is the starting point for the true progress of the human race. And herein consists the essential difference between the Christian principle of Progress and the false spirit of the world, which looks upon Progress as a thing apart from Religion, and esteems it even a mark of Progress to treat all religions on an equality; as if

* Job vii. 1.

true Progress could be obtained without the true religion. The world tells man to develop his powers as man, to advance himself by that development, to apply all his energies and to depend on those energies for the conquest of every obstacle to his self-aggrandizement, or to the aggrandizement of humanity as such, without reference to God. Christianity bids man to advance by self-annihilation; human powers, human reason, human efforts are to be laid low and to die; and only to rise again when animated by the Spirit and the grace of God, through co-operation with which alone can man really advance:—"I live, now not I; but Christ liveth in me." Father Felix sums up this difference in the following passage:—

"The rationalist believes in the Progress of the human race by the exclusive action of man; Christianity believes in the Progress of man by the action of God in our humanity. The one looks to the power of human reason for all intellectual progress of man; to the energy of the human will for all moral progress of man; to the expansion of human fraternity for all social progress of man; to the power of human invention for all the material progress of man; in one word, it looks upon all Progress as beginning from man in order to end in the glorification of man. The other without making light of either reason, or will, or human fraternity, or material development, looks for the progress of the human intellect through the light of divine faith; the moral Progress of man through the power of divine grace; the social Progress of man through the fruitfulness of divine charity; it demands that material Progress should be directed and kept within bounds by Christian morality. In one word it looks upon all human Progress, guided by divine light and grace, as having its end in one supreme glorification of God.....

"In short, false principles seek the Progress of man by means of man; the Christian seeks in Jesus Christ the Progress of man by means of God.....

"Ah," cries the preacher, "if all those who demand of their own energy the secret of human Progress, were here, I would say to them, not in anger, but in love: You who seek not with us, there where it is to be found, the divine secret of Progress, I ask you to know yourselves, to examine yourselves, to judge yourselves. Say, find you yourselves strong enough to bind up all that is weak? exalted enough to raise up all that droops? enlightened enough to make clear all which is obscure? of a nature sufficiently perfect and progressive to expect from your own reason, your own power, your own genius, the Progress of the world and of yourselves? Do you think yourselves, in short, able by your own power to resolve this great enigma of the age?"

"What! like us, fallen and disinherited, is it from yourselves that you will ask for riches and grandeur? What! like us, feeble and despoiled, is it from yourselves that you ask for strength and the restoration of all? See you not that it is to ask of ruin to give birth to creation, of downfall to bring forth Progress? Ah! suffer me to proclaim to you, while I recall you to Him who lifts up and restores all things; when you seek after Progress apart from Jesus Christ your God, your advance is not a progress, it is another fall; fallen a second time from the life of God by separating yourselves from Jesus Christ, you become what an author has well named you, men of the *second fall*. Is it your wish to descend no deeper? is it your wish to mount, to mount always? Welcome in Jesus Christ, restorer of the life of God in man, the author and the finisher of all Christian Progress; commence with us, to end with us; found upon the creation, the fall and the redemption, as on three divine columns, that edifice of the Progress of man in God, of which Jesus Christ is the centre, the foundation, and the summit; and you will be, with us, the men of true Progress."—pp. 114-15-16-17.

This, then, is the point from which Progress must commence and the route by which it must advance. What is the final object to which it must tend? Let us not be content with the favourite reply that it has no limit, that it is indefinite. This absence of definition, as Father Felix well observes, is the essential character of every anti-christian doctrine. God is truth, and the nearer we approach to truth the more clear and distinct becomes definition. It is by the sword of definition that the Church of God has gained her great victories over error, and her love for definition is now as much as ever an especial mark which distinguishes her from the sects around us, and from the rationalism of the day. With this she is incessantly reproached by them; it is this, above all, which the spirit of darkness and error detests, who loves to wrap himself in his mantle of obscurity and escape from the grasp of truth in the clouds of vagueness. This is the case with all sorts of error:—

"Philosophical error, theological error, social error, all errors equally shrink from giving themselves a name and a definition; they have the same horror of definition that darkness has of light. For in fact, for them to name themselves is to die; to define itself is the suicide of error; every erroneous doctrine would destroy itself by its definition."—p. 130.

We would earnestly commend the consideration of this fact to those earnest minds among the Anglican commu-

nity, who believe that they see in her a true representative of Christ's Church in this land. If there be a marked instance of the dread of definition, of the shrinking from precise statement of doctrine, it is in the case of the so-called Church of England. We do not speak of individual minds, anxiously looking for light and truth, but we speak of the animus which pervades her, the character which marks her; it is pre-eminently that of absence of definition. It is that opposite to one mind and one soul, the description of which unintentionally escaped, at the time of the Hampden Controversy from the lips of the Bishop of Rochester, and was thereupon recorded by Punch as illustrative of the "charming unanimity" of the Rochester Diocese, and it might apply to all England;—"a meeting of one hundred clergymen, all of different opinions!" We do not deny that there exist individual High Churchmen, who possess definite ideas of many true doctrines; but we would ask them, from whence are they derived? certainly not from their own community; whether they know it or not, their teacher in these truths is that Roman Church, from which they are unhappily separated; though, God be praised, they have been vouchsafed sufficient light to discern a glimpse of her beauty, and to listen, though with ears half averted, to a portion at least of her words of truth. They know well that most of their own bishops hold these definitions in horror, and that if they connive at the doctrine at all, it is only as an open question: moreover it is a lamentable sign that in certain cases Anglicans who have been assailed for teaching what bore a resemblance to Catholic truth, have remained satisfied with the permission to retain and preach their tenets, although the direct opposite; and that which they believe to be heresy, is equally permitted in the same community, and perhaps reigns triumphant in the next parish.

We are aware that it will be replied, that these truths came down from early times, and are to be found in the writings of the Fathers; but, fully admitting the truth of this, we put it to the conscience of each, whether as a matter of practical fact these doctrines would have come home as they have done to the heart of many a member of the English Establishment, had it not been for the standing and enduring witness borne to them by the Church of Rome? had she been silent, or not existed, we question much whether there would have been found

the same approach to Catholic doctrine respecting the Sacraments and the Communion of Saints, which happily there is to be found among a few members of the Anglican community. Few, most certainly, both in times past or present, drops in the ocean, when compared to the collective body, of which it may safely be affirmed that vagueness and a shrinking from definition is a characteristic mark: while we have but to appeal to every Council of the Church as a proof that clearness, definiteness, precision, are invariably to be found in her language, which issues forth in no uncertain sounds through her divinely tempered trumpet, but speaks now as always, in tones and in words not to be mistaken by rich or poor, by the most learned divine or the rudest peasant among her children; so that she alone possesses the sign given by our Blessed Lord,—“*Pauperes evangelizantur*,” for how can the gospel be preached to the poor by a body of men who are not agreed as to its very essence, some denying sacramental grace and others affirming it, some adoring Christ on the altar and others denying His presence there, and the poor meanwhile exposed at every change of their pastors to hear truths of the Gospel affirmed or denied, with all the various shades which intervene, as the opinion of each individual clergyman may guide him? Surely to thinking minds such considerations must prove of no slight weight; it is not in the bitterness of controversy, but with the earnestness of Christian love, that we entreat they may be duly pondered should they fall under the notice of any of our separated brethren; and we trust their importance will obtain us pardon for the digression.

To return to Father Felix: the false philosophy of the age has a special predilection for the indefinite;—

“It laughs at our Paradise, because Paradise is a definite happiness; it blasphemes against our Hell, because Hell is definite woe, without any undefined purification or reinstatement; it despises theology under the term scholastic, and Catholicism under the title of the Middle Age.”—p. 137.

It delights to talk of indefinite, never-ending progress; but the good sense of humanity is of itself sufficient to discover the absurdity of this idea, which involves a contradiction in terms; for what is progress but a march in advance, and how are we to know whether our march be in advance or the reverse, unless we know the end which

we aim at reaching? And not only this, it is also a manifest contradiction in the nature of things to conceive that God has assigned to man the law of a never-ending progressive march; to man, the highest of His visible creation, in whose voice and whose being all other visible creatures find their voice and their leader. The same innate sense which abhors the incompleteness of any human work, which condemns a discourse without a conclusion, a poem without an end, that sense of fitness in things which is implanted by God Himself, forbids the notion that, in the case of man God's noblest work on earth, the divine harmony which pervades creation should be disturbed; and that the human race alone, among all the works of God, should be created without a fixed determined end and limit, without a home and a resting-place as the object of its journey and the termination of its progress. The human heart itself revolts against the notion, and cries out with the preacher:—

“My life is a journey; yes, but traveller through time, I bear on my road the desire of arriving one day at a term for ever stable and definite. My life is a movement; yes, but at the bottom of this movement I bear with me the need of repose; and such is my soul, stirred by so many breezes, and shaken by so many shocks, that it cherishes through its earthly days, so agitated, the hope of a day eternally tranquil. My life is a separation, each of my steps is for me as an adieu, every fresh progress itself is a rent; and yet in the midst of the inevitable separations which form the wounds of all my life, I experience I know not what which cries to me from the depths of my wounds:—the union must arrive which nothing more can break; the hour must sound when man in his indissoluble marriage with his destiny shall exclaim:—‘It is the end, it is the term, it is the rest, it is the union; let us stop, let us repose, let us embrace, and for ever.’

“Then far, very far from me be that which gives not to my life an end worthy of these aspirations; my career may be indefinite; but my destiny, never! I have a horror of an indefinite journey; I have a horror of an indefinite movement; I have a horror of an indefinite separation; I have a horror, in short, of your progress, eternally and fatally indefinite. Be silent, philosophers, and speak to me no more; for this progress which has no end is for me worse than decline; this life which never reaches its object, to me is as death; and this hope which shall not attain possession, for me is like despair.”—pp. 151-2.

We can conceive its being said in reply to Father Felix,

that although certain philosophers may entertain these false and heathenish notions as to the eternal progress of man after death, still this is not the notion of the multitude in their cry for progress. The progress intended by the popular voice is the progress of humanity in this world without reference to the future state. But a little reflection will show that this is no real objection to the arguments of the preacher. For the very ground which he takes throughout presupposes that the subject under review is to be treated as a whole, not merely in detached portions; and it is only thus we can arrive at correct notions respecting it. Thus it is perfectly impossible to estimate the progress of humanity even in this life, without first determining the standard by which it must be tested; and in determining that standard it is equally impossible to ignore the future state. If you test man's progress as if this world were the home of his manhood instead of the nursery or the school of his infancy, you commence by assuming what is false, and the structure raised on such a foundation will be but a gilded plaything, a palace of cards. Therefore it becomes essential to consider man's ultimate end if we would determine whether any particular age is in advance or retard of its predecessor, or if we would seriously promote the great cause of progress; because it is manifest that the most advanced and most perfect state of human society must be that which most effectually and constantly helps man onward to the attainment of his real and ultimate end. This progress of society, the progress in the "career" of man, as our author expresses it, may be indefinite; but its end never; and since he is called upon to ascertain and define that end, he is compelled to expose the fallacy of the philosophy, falsely so called, which would render man's future state like his present, one of perpetual never ceasing pursuit after perfection.

Christianity alone is consistent in its teaching, and in perfect accord with the good sense of mankind. There is no doctrine but hers which can maintain its ground amongst men; human systems may have their day, but they fade and pass by, while the words of Christ endure for ever. God has created man with a capacity for the infinite, and the infinite God is the only end worthy of man's pursuit. God is man's first beginning, God is man's last end. "I am Alpha and Omega, the beginning and the end," saith the Lord God, "who is, and who was, and who

is to come, the Almighty.”* “Fear not, I am thy protector, and thy reward exceeding great.”† Here is the voice of truth defining the true end of man, the true object of all progress. And with equal clearness does it define the termination of a departure from this true path of progress. “There are but two paths; the one, that of advance to God, the other, that of decline from God, and according to which of these man chooses shall he hear at last,—“Come ye blessed,” or,—“Depart ye cursed.”‡ If we stop our ears for a moment to the din of words and the boasts of enlightenment and advance which deafen us on all sides, we shall find that to this we must come at last. That is progress which brings man nearer to God—that is decline which leads him away from God. Yes, to attain God, and that for eternity, this and this alone is the real end of progress.

We must borrow the words of the Père Félix to reply to a thought which infidels have put into words; a thought however which could arise only in a heart ignorant of God or blind to His infinite perfections; but, alas! we are all of us so blind and so ignorant on this most transcendental subject, that it will not be unprofitable to any to peruse the glowing passage which follows:—

“You say: ‘But what shall I do in heaven, in this eternal leisure? Life seeks to be, it seeks the greatest possible amount of being; and life is movement; where will be the movement of life fixed to its immoveable centre?’ What? Is this your question? I ask you in reply; is God, who cannot extend beyond Himself, because He is the infinite and alone suffices for Himself; is God condemned by His nature to a necessary immobility? and His life, does it appear to us merely an eternity of death? What! because progress has an end, and because at this end it receives its infinite completion, think you that life is absent, and that movement can have there no further place? You calumniate our doctrine; you know not the mystery of love which reposes, of love which possesses, of love which finds union. There is the movement of the life which seeks, of the needy life, of the famishing life, it is that which we all experience in our exile during time; but there is also the movement of the life which possesses, of the life which feels itself filled and satisfied; and it is this which awaits us in our home. The hind pursues the fountain, it is panting, athirst, and weary; this is the movement of life seeking and desiring; the hind has found the

* Apoc. i. 8.

† Gen. xv. 1.

fountain, and drinks from it in prolonged draughts; here is the movement of life possessing and enjoying. You were pursuing what you loved, it was the movement of life unquiet, the movement of pain; you have attained that which you followed after, you exclaim while you embrace it:—‘I hold it, I will no more let it go;’ and does this seem to you immobility? and does this appear to you death?... You call yourselves philosophers; you know not the great philosophy of things!

“Ah, in that final but living possession of my end, what is it you talk to me of death and of immobility, when that possession is the supreme movement of being, and the most profound emotion of life? Yes, there there is life, life complete, and with it movement the most perfect; for it is the ocean of being and of beatitude; man plunges himself therein with a happiness always renewed: it is the ocean of truth; man advances therein from light to light; but that light is God, still God: it is the ocean of love; man passes therein from transport to transport; but that love it is God, still God: it is the ocean of joy; man finds therein rapture after rapture; but that rapture, it is God, still God, always God! Beyond, there is nothing; there there is all which can be seen, loved, possessed; there man stays his course, and there at the same time is he in movement; because there there is that which the road of life knows not and cannot know, the mysterious wedlock between movement and repose, between progress and the goal; goal infinite which only limits progress by giving it completion; goal for ever beatific, which gives man God for his limit, as the ocean limits the fish within its waters, to bestow upon him, with an ever new effusion of the infinite, a blessedness which is eternally fresh.

“Behold, Messieurs, behold the end: all which deviates from it goes astray, all which leads away from it is a decline. Let us advance towards it altogether; and may we, one day, arrived at this final term of our progress during time, cry out to one another in our eternal rapture! ‘It is ended; we have arrived; our progress has reached its consummation.’”—pp. 161-7.

Thus, from Christianity we have learnt both the starting point of human Progress and its final end; we have learnt too, how to obtain that supernatural aid without which the end can never be reached. But this palpable and material world forms the course to that final goal, the workshop and the schoolroom, from which the perfect man, by aid of divine grace, is to issue; and man is corporeal as well as spiritual, and it is in the body that the work of his progress is to be wrought. There arises, then, a question which imperatively demands an answer, and it is, moreover, a question which is peculiarly pressed upon us at the present day; it is essentially necessary we

should examine what place *material* progress holds in the great work we are considering, that of the perfecting of man.

It must be borne in mind that the term *material* progress includes not merely the progress of wealth, bodily comforts, and of the thousand conveniences and adaptations and conquests over nature which surround us, but of which our forefathers never dreamt: these are indeed included; but more, there is included also that application of the intellect to these objects which has produced this result, and that progress of the mind in material science which forms so prominent a feature of our modern society. We have to ascertain what is the real value of all this: what is its proper place, and what consequences must arise from its exaggerated development. That it has a value and a proper place is evident; it has its office in the Providential order of things, as the physical development and health of the body have their office; but it is an inferior office, just as the body is inferior to the spirit. Material progress most certainly gives proof of the advancing dominion of man over matter, and therefore cannot in itself be in opposition to human progress; but so far from constituting in itself that progress, it forms merely a portion of it, and a very subordinate portion, as may be seen both from the nature of things and the testimony of history; which alike teach us that man may be actually falling lower and lower in the scale of being, while he is rapidly advancing in his conquest over matter in virtue of that sovereignty over nature with which God has endowed him. We have but to glance at the infamous pages of imperial Roman history to convince ourselves of the fact that matter may most truly become the tyrant of man, while man is the most strenuously asserting his power over matter. The fact is, material progress is but a means, not an end, it is but an instrument which may assist in the true progress of man.

For what is man? Animal indeed, but a *reasonable* animal. Placed on the confines of the kingdoms of spirit and of matter, first in the corporeal hierarchy and last in the intellectual, gathering up in himself as it were all nature which is below him, and entering through his reasonable faculties into the intellectual order which is above him and which ascends even to God, the infinite centre of all beings, the summit to which each after its

measure tends; man, the link which unites these two orders of creation, on one side touches earth, and stretches towards heaven on the other; on one side is drawn downwards towards the abyss, on the other aspires heavenwards even to the possession of God Himself. Thus the natural tendency of the development of the lower or material part of man being towards decline, unless kept in due subordination to the high attractions of his nobler nature, it is impossible that his real progress should consist in material progress by itself, because taken by itself its result is not the real aggrandizement of the whole man. The moment the material element passes its legitimate bounds, moral greatness becomes proportionably depressed, and society has made a step downwards. The only true solution of the problem is the maintenance of that harmony which Providence has assigned; and, as the body is below the spirit and is to be ruled by the spirit, so is material progress below moral progress, and its development must be in subservience to the higher interests of man, to that in short which constitutes man's real greatness.

The day in which we live is one of immense material progress. Is there no danger of its disturbing the due harmony of things? It is not that we would deny the admiration which is just to the triumphs of genius over nature which surround us, and which have accomplished the greatest material improvements of our day; the evil is that an undue precedence is given to these conquests before others which are greater and more worthy of man. Man himself is greater than the greatest of his triumphs, and it is a spectacle to draw tears from angel eyes to behold the true glories of man humbled before the glorification of matter, his energies all spent in the development of that which is the least worthy object of his mind, and his progress, through the deceit of Satan, degraded from its true end into a mere conquest over the powers of material nature. Ask for the progress of the day. In what does it consist? Has right instead of might become the law of the world? Are princes and peoples of this age distinguished above all others for their regard for justice, for the soundness of their political principles, for social order, for the absence of rebellion, of revolution, of needless bloodshed, and unjustifiable wars? Is faith more alive than ever? Do the fear and the love of God exercise a sway never known before? To take an instance near at home,

though among those whom we bewail as separated from us in religion. Shall England point as a mark of her progress in the 19th century to a minister of her own established religion, insulted for long months, Sunday after Sunday, by a ruthless, riotous mob, because he is firm in what he believes to be his duty as a minister of the Church of England? * Be he right or wrong in this opinion, are we to hail it as a sure mark of Progress that the decision is left to the wise and tender judgment of a wild mob? that the law which cannot condemn professes also that it is powerless to protect him? And, what is more, protect what it professes to regard as the house of God from the weekly occurrence of scenes which it would not tolerate for half an hour in a playhouse? As Catholics, the particular case is not our concern in one sense; but on the universal principles of love for justice, for decorum, for reverence to what a people hold as sacred, it is our concern, as men and as Englishmen, and we may fairly demand, is this Progress? We might add to our category of questions, and ask in detail whether that favourite nation of the times, Sardinia and its rulers, are to be taken as an instance of progress? but the process would be too long. Long were it to dwell on imprisoned priests and cardinals, on piratical expeditions to states with which no war existed, on a thousand other marks of modern enlightenment and advance to—where? We might point also to many a recent disclosure revealing the present low estate of England's once renowned merchant probity, and ask to be shewn her advancement in honesty and fair dealing between man and man.

But we pause, and turn our eyes where the age points in pride to its evidence of greatness and superiority;—"See here," it cries, "the wire which, as lightning from the skies, carries quick as thought the winged words of man from city to city, from shore to shore.—See here, the railway, with the multitudes it bears in its carriages, hurried on with a rapidity unknown before by that gigantic force which has freed man also from the tyranny of the winds, and conveys him with a hitherto unheard of punctuality across the waves of ocean to transatlantic shores.—See the cities by night, with their fairy illuminations and their thousand lights of gas, making day perpetual; see also

* Allusive to recent occurrences at St. George's in the East.

their halls of business, and the enormous commercial schemes which render anxious every brain among those who fill them. Behold, glittering in our gorgeous streets, a luxury and a pomp which would have astonished even Rome or Babylon of old; behold our magazines, replete with the produce of the Indies; our fraternal banquets, consuming in an evening what might feed a province; behold our theatres, and lend your ears to the music and the vocal melodies which animate them.—Behold all this, and you have beheld the Progress of our time.” Yes, the danger of the hour is not that men are bent on progress, it is lest the harmony of true progress should be disturbed and its course arrested by a fatal preponderance of material progress. It is the greatest error to suppose that an epoch of great material progress is necessarily an epoch of moral progress and of true prosperity and greatness; a state of great material prosperity rather suggests fears for the cause of true Progress, not because such prosperity is in itself opposed to progress, so long as it is kept in its due and inferior position, but because a great material development implies necessarily that the minds of men are greatly occupied with and bent on material matters, and there is reason therefore for apprehension that those matters may have become of exaggerated importance.

Man’s road to advancement lies through every thing which draws him upwards; his path to decline lies through all that develops his lower nature and rivets faster the chains of his bodily prison, in all, in short, which makes the spirit serve the body instead of the body being the servant and instrument of the spirit. Souls are enlarged and elevated according to the greatness and the elevation of the things which pre-occupy them. In human nature there is a mysterious power of assimilation which tends to produce in the soul a certain resemblance to the object of its thoughts and desires. If this object be elevated, if it belong to what is higher than man, his very efforts to reach it will exalt him; in like manner, if it be beneath, if it be something lower than man’s nobler nature, the pursuit of it will degrade him. Nothing can save men’s souls from sinking and declining if they indulge in an exaggerated pursuit of material development.

“In vain will you wrest from the depths of earth and the depths

of heaven their most intimate secrets; in vain will your thought ascertain the measure of all the spheres, and follow through the fields of space their distant courses and their ceptenary revolutions; in vain shall each star tell you its distance, each sun its movement, each world its laws; in vain will you see fall from before your eyes all the veils which cover the mysteries of nature, and behold more and more receding as you advance, the limits of the empire opened to your conquests; in vain, day by day, and hour by hour, will you see the enlargement of that which you name scientifically the circle of your learning and your knowledge: beware; if your soul stops there, it restrains itself within limits less than itself; far greater than all this is one single thought of hers, one sole wish, one single aspiration which she breathes; this extent, immense as it may be, is small in comparison with her ambitions; and in the circle of your knowledge, large as it is becoming, she feels herself straitened still. The universe, and all that space wherein she walks from stars to stars, or from suns to suns, are for her as a prison; a prison, cold and low, from which she must escape if she would mount to her true eminence, and attain in the sense of the infinite her legitimate growth.

"Men of material progress, ah! I beseech you, lower not the ambition of the human soul to the measure of your own ambitions. Suffer, suffer this captive, imprisoned in matter, to wing her flight towards the region of her true greatness; suffer her to mount on high, to contemplate the eternal, the immutable, the infinite; guided by reason and by faith, borne on the wings of love, suffer her to follow that generous flight which makes her mount, by advances in greatness, towards the greatness of God. If you concentrate her ambitions there, what matters the counting of numbers, the calculating of space and analyzing of matter; the dissecting of bodies or inventing machines; the weighing of atoms or the weighing of suns; the measuring a grain of sand or the measuring a world, what matters it? Great as all this appears, great as it is, the soul finds not herein her true measure, nor science her true mission. Science even the most vast, the most complete, in this order of things, is no longer that which it ought always to be, *an enlargement of the soul*. Directed altogether to what belongs to the inferior world, science lowers instead of elevates the soul; and in the fascination of intellects at the sight of their own discoveries, you behold everywhere the development of debasing tendencies; and by a contradiction whose mystery cannot escape us, you see the abasement of souls march hand in hand with the progress of science." —pp. 202-5.

Bold words for a generation which idolizes material science! But as true and as seasonable as they are bold! This, however, is not all. The true progress of man will not only elevate the soul by truth, it will also expand the

heart by love. Now the inevitable effect of an undue development in material life is a hardening of hearts and a decrease of charity. Our age talks loudly about fraternity as well as material progress, forgetting that the latter is essentially directed to the development of the lower and the *egoistic* part of man. What in fact do we see around us? On one side the favourites of this world making rapid strides in wealth, rustling in silks and gold; on the other side an increasing multitude clothed in rags, whose labour provides wealth for the few, and who are rendered doubly miserable by all that material progress displays before their eyes, and all that egoism withholds from their desires. Any thoughtful mind may well tremble to contrast with past days, now called barbarous, the present far greater selfishness and luxury of our rich, and along with it the greatly increased neglect of our poor. If no further proof is required, we can turn with sickening heart to our own very neighbours left to languish on beds of sickness for days, before some empty forms are gone through to obtain the parish doctor. But any thoughtful mind may discover instances enough that a day of great material progress is not a day of increase of love for God's poor, loudly as it may make its boasts of universal fraternity. And side by side with this advance in luxury, creeps on stealthily an enfeeblement of soul; till the strong manly vigour firm in the defence of truth and justice is undermined, and expediency becomes the order of the day. To look round Europe at the present moment, where are our eyes to rest on a hero sacrificing himself for the right? Where?—In the successor of St. Peter and among those who rally round him! But, alas! among the prominent governments of the day, here is, perhaps, the solitary exception; for though we render all honour to the noble young Austrian Emperor, *individually*, he cannot be regarded as representing the government he has inherited, and whose reform he is earnestly seeking.

Thus, an exaggerated material progress gives birth to three vices radically opposed to real progress, viz., an abasement of thought, a hardening of heart, and an enfeebling of the will, undermining those three elements of the education and advance of humanity;—elevation, expansion, and strength of character. It is plain then that the decline of society must be the result, if material progress is not kept in the proper place assigned to it by Pro-

vidence in the harmonious development of the human faculties; and its proper place, as we have seen, is the lowest place. But far be it from Christianity to fall into the error of condemning the due and legitimate development of material progress and of human industry. Industry is a duty, and as it were a law of human life. In the words of St. Benedict to the sadhearted Gaul, she says to man, "*Ecce labora et noli contristari!*" She bids him further to reap the fruits of his industry and to invoke the divine blessing on his conquests over nature, whether achieved by compelling the electricity of the lightning to his service, or otherwise taming the elements to his will.

"Christianity wills material progress as a means, she wills it not as an end; she wills matter as a slave, she wills it not as a sovereign; she wishes the development of matter as a normal condition of life, she wills it not as a sovereign ambition of life. The possession of the uncreated as the end, the possession of the created as the means; before man and above him God as the goal; below man the material creation given him as a means whereby to ascend to God; and in the midst, man himself carrying along with him mute nature to glorify God; here is the order, such as Christian preaching along with philo-sophical reason proclaims it, and as it will defend it even to the last."—p. 237.

Christianity in willing industry, wills not that it should become a tyrant, she wills not that body and soul should be sacrificed at the altar of mammon. It is no great mark of real progress when the amount of labour becomes such as well nigh to absorb the higher faculties of its people. Industry, which is not Christian, is one of the most formidable dangers of modern society, and it behoves us one and all, each in our sphere, to use our utmost endeavour to christianize the vast population around us. Our material progress, while presenting a fair show on the surface, is preparing underground a volcano well nigh ready to burst. And why? Not because industry is an evil, but because industry has been made everything and Christianity left to take care of itself. The only remedy, the only hope, is the vigorous effort of each individually, and of all collectively, (especially of those who have workmen in their employ,) to promote the diffusion of Christian principles and the observance of Christian duties among all over whom we have influence, and in all places where we can gain access. And the work must begin by personal self-denial and the practical exercise of

a true fraternity ; what we possess must not be for enjoyment, but so far as in us lies for the succour of the more needy, and above all, the one object, the one maxim to be imprinted in our own hearts and in that of others, must be the great end of all creation :—*Ad majorem Dei Gloriam !* Thus may a Christian impulse be given to the vast mass of human industry, so as to render it truly subservient to the cause of real progress. But without moral advance towards perfection all progress must turn to decay, all man's efforts and inventions only prove the instruments of his ruin. This holds good with science, art, society, and every thing in which progress is to be made.

Our age is preeminently an age of progress in intellect, and the intellect, when illumined from above, is the very light given by God to guide man in the path of his true destiny. But without moral progress or advance in good, there is no real intellectual progress or advance in truth. It was through man's fall that his intellect became darkened. "Wisdom," says the Scripture, "will not enter into a malicious soul, nor dwell in a body subject to sins." Not that it is impossible for a man without virtue to know anything, nor for the human mind even in a state of vice to seize isolated disjointed truths ; but such knowledge will only lead astray because it will be apart from that immutable eternal absolute truth which comes direct from God, and in which all is harmonious and in due place. There is one more learned than all the world's philosophers ; more ingenious than her cleverest engineer ; more intellectual than the most fascinating of her writers ; and yet his dwelling is the exterior darkness. Who among men has the knowledge possessed by Satan ? What caused Lucifer to fall from his height and become the prince of darkness ? It was sin. Evil is essentially darkness, and there can be no real intellectual progress apart from progress in good. When God would send one of His severest chastisements on the nations, He gives them up to the learned without a conscience, who, under pretence of intellectual progress, lead the applauding but deluded multitude to greater and greater darkness, and to catastrophes rendered the more fearful from the deceptive lurid light of a misguided reason.

The same holds true in the case of art. We have heard

it said that one of the leaders of our modern art* was greatly assisted in his conversion to the Catholic religion by the discovery that the early and pious Catholic artists possessed some power which he (then a Protestant) could not command, and which he felt must be in their religion. Most certainly, to contrast even the noblest works of pagan art with those of the ages of faith, is, as it were, to set the vivid personification of what is earthly and sensual opposite to a type of angelic nature. Art is preeminently a ministry which may be used either in the service of heaven or hell. It will derive its inspirations from one or the other, and by giving them expression will draw men onwards towards their source, whichever it may be. An artist has a high and a powerful vocation and priesthood! Woe to him who debases and profanes it! No hand more powerful than his for the furtherance of all real progress, none more powerful for evil. Real progress will develop art, and give it a true direction; but art alone is not progress; it may even become the instrument of the most flagrant corruption.

There is another progress which is especially the pursuit of our age, social progress. There are those who make the good or the ill of man to depend on the political and social institutions among which his lot is cast; and they justify a revolution even against the most sacred of authorities on the plea of the right of a people to choose their own government and enforce their own idea. But would that these reformers would begin by reforming themselves! Man's perfection depends not upon human institutions, but the perfection of human institutions depends upon man. Change your political and social constitutions as often as you please, if there is neither virtue in men's souls nor life in their hearts, you will make no progress; or even supposing that for the moment you succeed in creating the most perfect social machinery without giving virtue to the people; the result will be but slavery in the end. Such a people may cry out for liberty, and may obtain for themselves freedom from restraint, but each of their passions will become a tyrant both to themselves and to their neighbours, and social servitude will be the end of their moral corruption. Even if this servitude arises not from the tyranny of the multitude, it will arise in the person of

* Overbeck.

some despot. If man will not learn to rule himself, he will inevitably be ruled by another. There is no social progress apart from moral progress.

It is, as has been said, the same in society, in art, in science, in every conceivable branch of human life; without advance in virtue and the perfecting of man's higher nature, there is no real progress; there is but decline.

"On the contrary, with moral Progress all rises, all ascends, all advances in order, to the progressive conquest of destiny. Virtue by itself does not teach science; but it implants in man that which advances him far in science, the sense of the true, and the light of great thoughts. Virtue by itself teaches not the arts; but it gives that which prepares illustrious artists, the sense of the beautiful and an enthusiasm for great things. Virtue by itself teaches neither politics, nor legislation, nor administration; but it gives to man that which prepares great legislators and true statesmen, the sense of justice, and self-devotion in the cause of mankind."—
p. 322.

"Be men priests or be they soldiers, be they men of business or of literature, be they men of the court, the cottage, or the cloister; be they princes, workmen, or religious; if they are virtuous they are men of Progress, worthy in reforming themselves to aspire to the honour of reforming humanity. This is the standard of the future: the future belongs to him who has the wisdom to bear it."—
—p. 324.

These are the concluding words of the first volume of *Father Felix*. Shall we be reproached with devoting the whole of our article to this volume alone? It may be said that we have rather abridged than reviewed it, except in the occasional remarks which it suggested. But, the principles expressed by the Reverend Father are so deep and so true, his ideas are so elevating and so full of food for thought, that neither the omission of what is so interesting, nor the substitution of mere matter of our own, would, we conceive, have sufficiently fulfilled our task. A task of no slight importance, for look around us where we will, the one prominent need of our day is a guiding principle of action. It seems as if public men were no longer judged by their principles, but by the popularity of their cause, their external watchwords, their success, and their talents. How else can we account for the popularity of the present *Italo-Sardinian* movement, which is a perfect stain and blot on the page of history?

How otherwise account for the popularity of the lawless Garibaldi, and the utter setting at defiance of all moral principles of action in the popular judging of these cases? Men seem now-a-days madly bent on destroying and uprooting. Powerless to build up, they possess the brute force and courage needful to overturn. The grandest spectacle of moral greatness which the world possesses, our Holy Father Pius IX., is the object of the bitterest hatred, not only to the ribald mob, but, shame that it should have to be spoken, to statesmen who rule amongst us; and that, because he refuses to lend his august sanction to the universal cry for the levelling of every barrier of right which opposes the headstrong movement of the age. But, God be praised! in his case at least, we can still point to a government which holds right to be right and wrong to be wrong; to a ruler prepared, if God calls him, for a martyr's death, but who will never, by God's grace, stoop to the sacrifice of one iota of principle at the shrine of the idol expediency. God be praised, He has left on the earth that rallying point of all that is good and great, the rock of Peter! God be praised, He has left some true hearts on the earth to cluster round that throne! May they increase more and more, for he who gathereth not with that chair scattereth. It is a day when men seem taking their sides for a desperate struggle. It is, then, pre-eminently and especially a day in which we have need to be reminded that all the glitter of the Progress we see around us is utterly worthless, and tends but to decay and ruin, except so far as it will stand the refiner's test:—is it or is it not,—“*Ad Majorem Dei Gloriam?*”

With this glorious motto of St. Ignatius we had intended to conclude; when accidentally taking up the *Morning Star* of July 7th, our eyes fell upon the following paragraph, which we extract as a most lamentable but apt illustration of the evil principles at work around us, beneath the smiling surface of a pretended progress:—

“On Thursday evening Count Rudio, so well known as being connected with the late attempt to assassinate the Emperor of the French, gave a lecture at the Assembly Rooms, Nottingham. Mr. Clarke presided. The Count gave a detailed history of the conspiracy in which he had been engaged, and the manner in which he was apprehended. Alluding to the Sicilian insurrection, he said there was but one man who had the power of checking the success of Garibaldi, and that was Louis Napoleon; but, if England would

only continue to give Italy her moral support, she was quite able to defend herself. He (the count) had attempted tyrannicide for the benefit of his fellow-creatures and the punishment of a great crime. As his hearers well knew, the attempt was defeated, and his brave friend, Orsini, perished on the scaffold. The modern hero spared him (the speaker) as a cat spared a mouse—only to torture it. No tongue could describe the sufferings he underwent, and how he survived he could not tell. The lecturer concluded by giving a narrative of his escape from the penal settlement to which he had been condemned, and his journey to England. He then resumed his seat amid loud cheers.”

Is this our boasted Progress? Is England coming to this? That her prominent towns hold meetings to favour assassination, and her citizens assemble to listen to the hideous tale of guilt avowed and gloried in, from the very lips of the culprit, a convict escaped from punishment most merited as an accomplice in the foul attempt to murder a sovereign? The unhappy man boasts before his audience that he “attempted tyrannicide for the benefit of his fellow-creatures and the punishment of a great crime.” No matter what may be thought of the Emperor of the French, we say it speaks ill for the cause of Progress when men make bold to dispense with the most sacred commands of God, and when a sovereign’s life is held to be at the mercy of those who dislike his rule, and would murder him for an idea. It is bad enough to witness the blindness of our countrymen to the inherent evil and wickedness of the cause of which Garibaldi is at present the hero. But in such meetings as this we find a new and a lower depth of degradation. After all, our countrymen’s ideas of Italian matters are founded in great measure on ignorance, gross misconceptions, and the falsehoods with which they have been crammed; moreover there is naturally attached a degree of fascination to the wild daring of an adventurer such as Garibaldi. True, it is bad, very bad that these things should be allowed to hide the foulness of a cause so diabolical; but yet it is still worse, to find a would-be-murderer openly haranguing an English audience, glorying in his shame, and greeted with loud English cheers. What a fearful moral corruption, what imminent danger to religion and society such a fact discloses! This evil, no doubt, arises primarily from the removal of the ancient landmarks of faith and the loosening of the great moral principles of action. Men have lost the sense

of personal responsibility and the fear of God and judgment. Heaven and hell no longer influence their hopes and fears; their notions of sin are formed from the corrupt maxims and measured by the false standards of human society and human respect. Here lies the root of the evil, but it is fostered and a thousand-fold increased, nay, in many minds even produced, by the talented and taking ephemeral publications of the day. What other result can be expected from the fact of a host of writers, endowed with talents of the first order, pandering to the vilest passions, exciting the worst feelings, and sowing broadcast the most pernicious principles under a specious seeming garb which passes for virtue and philanthropy? Such are the signs of our Progress in literature! These writings are devoured with avidity by an eager multitude, and society sooner or later must reap the fruits. It is difficult to see how this fearful evil can be met. The only real remedy is to endeavour by all possible means to re-christianize the nation, and by the grace of God to win souls back to a knowledge of what they are, of why they are in this world, and of the future which awaits them. Like St. Paul before the Roman governor, the preacher must treat with them "of justice and chastity, and of the judgment to come,"* and we must pray with all our hearts that the spirit of St. Paul may be largely diffused among our missionaries. But their work would be greatly assisted if some means could be found to promote the freer issue and the wider circulation of a sound popular literature, though this cannot be done without an effort.

The world and the devil are good paymasters in their own bad coin. The writers in their service have their pockets filled, and their poison brings them gold. Not so with him who takes up his pen in the service of God! A religious English Catholic must write at a loss, or hold his peace. Doubtless we have many able and willing to supply the crying need for good and clever books, but they want the means; they cannot afford to publish, though they may be ready enough to supply the matter at a trivial remuneration. We fear that too few Catholics who have wealth give sufficient encouragement to Catholic literature; surely much more might be done; its sale is limited, and till we get a market for good books we

* Acts xxiv. 25.

cannot look for the supply. May we not venture to urge the vast importance of this subject? Cannot something be done? Are we all doing our best? It is only by a combination of individual efforts that the work can be accomplished, and we plead not so much for the sake of our poor authors, though that would be a good plea, but we plead for the sake of God Himself, we ask that when so much is said for the devil, at least some voices may be enabled to make themselves heard on the side of God and truth. Could we not combine to render the publication of good books and of cheap but sound literature more easy? No doubt there are many difficulties, but God can enable us to surmount them all. *Si Deus pro nobis, quis contra nos?* We know that to human eyes the devil's work is easier far than ours, for he has corrupt human nature on his side; he has but to add his breath to that of the world and the flesh, and the poisoned sheets of print flow readily down the very stream whose current we have to stem. Still God is with us! *Magna est veritas et prævalebit!* We have a stirring war cry, and none who remain true to it can fail of victory:—*Ad Majorem Dei Gloriam!*

ART. VI.—*An Introduction to the History of Jurisprudence.* By Denis Caulfield Heron, L. L. D. London: John W. Parker and Son, 1860.

NEXT to that of Theology, the study of Jurisprudence is the most important to man; and when divested of a portion of the metaphysical and scientific nomenclature, with which most writers on the subject have surrounded it, it becomes also one of the most interesting. Obedience to authority is commendable, and indeed imperative, but no man is forbidden to examine the grounds upon which human authority is based, or to question the prudence or the justice of any human mandate or institution. The laws of God alone admit of neither hesitation nor inquiry, and the ultimate end of investigation of the laws of men is simply to satisfy the enquirer that those laws are framed

in accordance with the principles of Eternal Justice, and have their spring and source in the great fountain of everlasting wisdom.

The natural law, according to Paley, is that science which teaches men their duty and the reasons of it. It derives whatever force it possesses from its presumed concordance with the will of God, and its power is limited by its coincidence with that Will. Man's first duty, and the daily study of every man who desires to please his Creator, is to ascertain what is the will of God, and, having ascertained, to do it with all his might. By the proper application of the faculties, natural and supernatural, given him by God, man can always discern his duty; and the strength to perform that duty will never be wanting to him who asks it from Him who is the source of Power. Were it possible for man to live alone, the law of nature, aided by those of Revelation and the Church, would suffice for his guidance; but as he cannot do so, some system of laws to regulate the conduct of individuals in communities, and the conduct of those communities towards each other, becomes necessary; and the consideration of such laws, to which the name of Positive has been given, forms the proper object of the study of Jurisprudence.

The first principles of Jurisprudence resulted from common consent and Natural Law. Legislation simply confirmed, altered, or extended, but never abrogated the first principles. A system of positive laws never existed in a nation coevally with its origin; for nations, when first formed are usually barbarous, and do not possess the leisure or the knowledge to provide systems of laws suited to their growing wants. Systems of general law are the fruits of experience, and the results of the reasoning of the learned and the wise; and it may be safely assumed that every such system has had its origin as customary law, and has been formed into positive legislation to give it permanence and uniformity.

Laws may be thus divided—declaratory, directory, remedial, and prohibitory and penal laws. The first declare what the law shall be; the second lay down rules of conduct, or point out remedies; the third redress a private injury, or remedy a public inconvenience; and the fourth prohibit certain things to be done or omitted, under a penalty or vindicatory sanction.

The same rule of interpretation is not to be uniformly

applied to all these laws. The great maxim of the Common Law is, that in the interpretation of statutes, the intention of the legislature is to be followed. That intention is to be gathered from the words, the context, the subject matter, the effects and consequences, and the spirit and object of the law,—these latter again are to be ascertained from the words of the law itself, and from the motives apparent therein. Words are to be understood in their ordinary sense, and in that meaning which is attached to them in popular use, save where such a meaning is inconsistent with the context or connection. The meaning of technical terms is to be ascertained by the sense which is attached to them in the art or science to which they belong. The context and the preamble of a statute are of great use in determining the sense in which particular words are used; and the subject matter of the law must also be considered, for it can never be presumed that words repugnant to the subject matter have been designedly used by the legislature. In like manner if the effect and consequences of a particular construction would lead to absurdity, or to a deduction apparently opposed to, or inconsistent with, the objects of the law, some construction which harmonizes with the general design, must be sought for and followed. Not that the effect and consequences, be they what they may, are ever to be permitted to destroy the enactment,—they must simply aid in the exposition of the law, which, once clearly expressed, must be followed. The spirit of the law must also be regarded, but in subordination to the words, and so as not to control their natural and obvious meaning. It is a maxim of the Common Law that all statutes upon the same subject, or having the same object, are to be interpreted together, and as if they were in fact but one statute. The Common Law is to be regarded as it stood previously to the passing of the statute, not only for the exposition of terms, but to point out the nature of the mischief and of the remedy, and thus guide in the interpretation. In doubtful cases the power of the Common Law will prevail, and the statute not be construed to repeal it. It follows, hence, that where a remedy is given in a particular case, it is not to be held to extend so as to alter the law in other cases. Remedial statutes are those, the object of which is to redress grievances and injuries to person or personal rights and property in civil cases. These, as well as statutes,

which concern the public good, are to be construed liberally, the words being taken in their largest sense, so far as the context permits, and the mischief to be provided against justifies. Penal statutes and those enacted for the punishment of crime, are invariably construed strictly; and where the words are doubtful the person accused is entitled to the narrowest exposition. There are numerous other rules for the construction of statutes which have acquired the force and authority of maxims, and the great object and scope of these is certainty in interpretation. This hasty consideration of the rules for the construction of statutes leads us to the enquiry how far a system of codification, reducing all law to positive and direct enactments, is practicable and politic. In the early stages of society there were but few positive laws. The Justinian Code was not a system promulgated and adopted in the infancy of the nation, but on the contrary was formed when the Roman grandeur was declining, and was an embodiment of the rules and principles derived from the decisions of judges, and from the general experience. The nation had progressed as far as it was ever destined to do, and the codification of its laws was unquestionably an indication of its maturity. This appears equally true of France as regards the Code Napoleon.

In the work before us this portion of the science of Jurisprudence is discussed in the fourth chapter with ability and discernment. In the first, an introductory chapter, the connection and mutual dependence of the social sciences, Ethics, Political Economy, and Jurisprudence are discussed; in the second the science of Ethics is considered in its relation to Jurisprudence, and the third is devoted to Political Economy. The fourth chapter enters upon the science of Jurisprudence, and after pointing out the distinction between Ethics and Jurisprudence, glancing at the theory of the development of sympathy, and lucidly and fully defining the terms of the science, proceeds to treat of Political Jurisprudence, Taxation, the duties of Government, the Divisions of Jurisprudence, Codification, and the Study of Jurisprudence.

Codification is at the present day one of the most vexed questions in Jurisprudence, and Mr. Heron thus writes:

“Codification is attended with many dangers. There is the risk of error in definitions. There is the risk of perpetuity being given

to those errors by the legislative enactment, so as to preclude their correction upon discovery, as under the present mode of administering the Common Law in England. Definitions in a statute may be useful when they contain a command, or a prohibition, when their object is to determine acts, which individuals are bound to perform, or to abstain from; but when they have no other object than to make known the nature of things, they are useless and dangerous, and should be left to science. In Codification there is also the danger of cramping the development of the scientific principles of the Common Law, and of retarding the adoption of advanced rules of justice more consistent with the public welfare and the progress of Society. It is impossible to codify the laws of a nation in such a manner, as that no change will be necessary. The rights of the different classes of Society are continually changing, and the narrowness of human wisdom cannot foresee the cases which time discloses. Nor does the conversion of Common Law into Statute Law render it absolutely certain. It is still exposed to the risk of ambiguous construction, arising from the natural imperfection of language as the representative of thought and from the imperfect use of language. But by arrangement and classification the disadvantages of the accumulations of books, and of the judgments of the courts may be diminished. The Statute Law may be improved by a more scientific method of enactment, and the skilful use of appropriate language. The carelessness of former legislation may be remedied by a strict definition of terms, and by a strict adherence to the judicial phraseology as having a fixed and generally recognized, if not technical meaning. The wants of society are so varied, the communication of men so active, their interests so multiplied, and their relations so extended, that it is impossible for the legislator to foresee all. In the materials which particularly fix his attention there is a crowd of details which escape him, or which are too contradictory or fleeting to become the object of a legal test. It is impossible to chain the action of time, to oppose the course of events, or to prevent the insensible change of manners. It is impossible to calculate in advance what experience alone can reveal. A code, however complete it may appear, is no sooner finished than a thousand unexpected questions present themselves to the magistrate. Laws once digested remain as they have been written. Men, on the contrary, never repose, they always act; and this movement, which never stops, and the effects of which are differently modified by different circumstances, produce at each instant some new combination, some new fact, some new result. Many things are then necessarily abandoned to the empire of custom, to the discussion of learned men, and to the arbitrament of the judges. The duty of the law is to fix, with enlarged views, the general maxims of Right, to establish principles fertile in their consequences, and not to descend into the detail of the questions which may arise from each matter. It is for the magistrate and the

lawyer, penetrated with the spirit of the laws, to direct the application of them. Hence, amongst all polished nations, in addition to the laws made by the legislature, a store of maxims, decisions, and doctrines, is daily promulgated by practice and by judicial duties. The professors of the law are reproached with having multiplied subtleties, compilations, and commentaries. This reproach may be well founded. But, what art, what science does not deserve it? Must a particular class of men be accused of what is only the general tendency of the human mind? There are times when we are condemned to ignorance, because we have not books; there are others where instruction is difficult because we have too many. Excess in commentary, discussion, and authorship is to be pardoned; we cannot hesitate to believe this if we reflect on the innumerable ties which bind citizens. There is a constant development and a successive progression of the object with which the magistrate and the jurisconsult are obliged to busy themselves. The course of events modifies in a thousand ways the social relations. He who blames subtleties and commentaries becomes in an individual cause the subtle, fastidious commentator. It would be, without doubt, desirable that all matters should be regulated by laws. But in default of a precise text on each matter, an ancient usage, constant and well established, an uninterrupted current of similar decisions, an opinion or a received maxim, holds the place of law. When we are directed by nothing that is established or known, when we treat of an absolutely novel fact, we ascend to the principles of natural justice. Bentham enumerates four conditions which ought to belong to a code of laws and which ought to be regarded in its decisions. The first condition of the code should be the greatest happiness of the greatest number. It should have for its end the general interest; and if this condition has been satisfied in the political code, that is, in the code which establishes the different powers of the state, it will be easy to follow it up in all other branches of legislation. The second condition is *integrality*, that is to say, it ought to be complete, or in other words, embrace all the legal obligations to which a citizen should be subjected. The third condition is imperfectly expressed by the word *method*. Bentham means by this, not only precision of language, and clearness of style, but such an arrangement as would allow all those interested in it easily to acquire a knowledge of the law. All that is included under this comprehensive head is expressed by the word, *Cognoscibility*, that is to say, the Law should have a great *aptitude to be known*. There is no one word which can express the fourth condition to be satisfied by a body of laws. The meaning must be conveyed by a periphrasis. Each law should be accompanied by a commentary or exposition of the grounds on which the law is founded, showing what relation it bears to general utility. This Commentary is, as it were, a justification of the law; justifiability of the law would perhaps be the proper word to

express this characteristic of good laws, since those only are good for which we can give good reasons. A Code of Laws is like a vast forest, the more it is divided the better it is known. The first principle of division in a code consists in separating laws of universal interest from those of special or individual interest. There are some laws with which every man should always be acquainted; and others which are only required on certain occasions; in other words, there are laws of a permanent, and others of a temporary and occasional interest. The penal code is the first in importance. All human actions which are the object of law are necessarily included in it. What is called the civil law is only a collection of explanations, or in other words, an exposition of what is contained in the penal. Thus, the penal code prohibits from taking an article of property to which the taker has no right; the civil code explains the different circumstances which give such right, or make anything property. The penal code forbids adultery, the civil treats of all that concerns the marriage state, and the reciprocal obligations of man and wife."

These are sound views, tersely and nervously expressed.

The second book opens with an able and interesting sketch of Grecian Political Philosophy, and of the labours and teachings of Socrates, of Plato, and of Aristotle, and comes, in the second chapter, to consider that wonderful effort of ancient public intellect, the Roman Law.

"The early Roman Law," writes Mr. Heron, "is a type of the blending of the popular and technical elements which exist in all laws. The whole Roman law originally existed only by custom. Custom is converted into law when it begins to be associated with the idea of Right, when the neglect to observe the custom disappoints the general expectation, and when the state employs force to punish the violation of the custom. All law is originally customary law. And the legal force of custom is derived from the common consciousness of the people, that they expect the things to be done which ought to be done, and are usually done by those amongst the community who strive to do right. The early Roman law is characterised by that religious solemnity which is found in the legislations of the most ancient as well as the most recent states. Ceremonies are found invariably in early laws, they are all originally symbolical, but of many in time the meaning is forgotten. Symbolical forms which at first have a deep religious meaning, are finally used only to excite attention and impress the memory. The necessity which lawyers feel for the fixing of the memory when in the progress of time they disregard the religious element in law, leads to the introduction of the technical system. In Rome there gradually arose a technical branch of law regulating all legal procedure; hence sprung the class of technical lawyers, hence arose

the demand for legal reform, and the first Codification of the Roman Law. The first government of Rome was composed of an elective King, a Council of Nobles, and a general assembly of the people. We have few records of the laws of the Kings, nor is it of any advantage to waste learning upon the fragments of those laws which have been compiled by the diligence of antiquarians. I shall not enter into the question whether the legendary history of the Roman kings contained the record of the origin of a nation or of a change of government by which an ancient civilized race aided in the formation of the Roman people. According to the history which we have, the prevalence of insolvency and the severity of the laws of debt, created great discontent amongst the Plebeians, and they conspired against the Patricians for relief against oppression. The general discontent finally led to a proposal for a revision of the laws, and Livy and other Roman historians tell the mythical story that a commission of three persons was appointed to visit Athens and other Greek cities, and to transcribe the laws of Solon. The three envoys returned in the year after their appointment. The plan of reforming the government and legislation of Rome commenced. All the great offices of state were abrogated for a year, and the entire government, legislative, administrative, and judicial, was vested in a council of ten, to prepare a code. Before the end of the year, the Decemvirs compiled a code from the written Greek laws and the Roman unwritten customs. They inscribed these laws on ten tables, which were exhibited in public, and revised by the sages of the city. These laws were then sanctioned by the senate and the vote of the people in their Assembly. We have few authentic records as to the manner in which the government of the Decemvirs in the first year became tyranny in the second year. The story of Virginia is familiar to the world. Cicero makes a broad distinction between the ten tables of the first Decemvirs and the two tables of the second Decemvirs. He says the laws of the latter were unjust. And he mentions as a novel hardship the prohibition of intermarriage between the Patricians and the Plebeians. However, the laws of the twelve tables were always considered as the foundation of legal right, and they were all mentioned with equal reverence down to the latest period of Roman history. They were regarded equally by Livy and by Cicero as the foundation of all public and private right."

• If the influence of Grecian Art be still fully felt, no less plainly is the influence of the Roman Law perceptible in all modern codes. The Roman Law did not perish with the Roman Empire, but on the contrary extended its influence and dominion, though for a time it fell into obscurity. Before modern governments had been established, it was in force through the Roman Empire, in Europe, and the Goths, the Franks, the Lombards, and other

Teutonic tribes, incorporated into their new constitutions a large part of the public law of Rome. This authority diminished as new species and tenures of property sprang into existence, and the spread and progress of the feudal system helped to extinguish the Roman Law. Towards the end of the 11th, and in the 12th century, Irnerius gave a new impulse to the science of Law, by drawing from the obscurity in which they had been hitherto buried, the Law-books of Justinian; and the whole of Europe received with avidity the fruit of his labours. Scholars flocked in large numbers to Bologna and other Italian cities, to study law, and eventually the French school of law was founded by Alciali, a Milanese lawyer of eminence in the sixteenth century. He was succeeded by several able French jurists, amongst whom may be mentioned Cujas, considered by Mr. Heron to have been the founder of the historical school of law, Doneau, Dumoulin, and L'Hopital.

The odium so frequently attached by the generality of men to the name of Nicholas Machiavelli forms one of the most striking examples of the truth of the modern vulgar adage, of which we need but to quote the first words—"Give a dog an ill name——" Most of those whom we hear daily speak in terms of condemnation of the Machiavellian policy of such and such a person, know nothing of the history of him from whom this name of a supposed system has been derived. Of those who know anything of Machiavelli many are mistaken in their view of the scope and aim of his writings. That there is some part of "the Prince" which can hardly be defended or excused is true; but that the sole object of this able treatise is the instruction of despotism in the art of perpetuating its existence by fraud, is very far from the truth. "Machiavelli," says Mr. Heron, "in his public conduct was upright and honourable; but, because amongst his own discoveries in political science he scientifically treated of the opinions current in the fashionable morality of the day, he has been gibbeted by posterity."

His "discourses upon the first ten books of Livy" is intended to point out the causes which strengthen the foundations of a republic, and those which sap those foundations and ruin the structure. Certainly nothing can be gathered hence to prove that Machiavelli loved, or wished to flatter, tyranny; throughout, the "Discourses" breathe the pure spirit of freedom. "The Prince" has been often

translated. Catarino, Bishop of Consa, was probably the originator of the idea that the Prince was intended to instruct tyrants in the art of oppression. Bayle, and Frederick the Great, in his anti-Machiavelli, are of the same opinion. That the Prince was not a satire, even of the most covert kind, we think is plain. The tone of the work throughout is serious, and no trace of satire is perceptible. Macaulay is of opinion that Machiavelli was simply the exponent of the generally received maxims of the time, and probably had he lived in these days he would have recommended very different means. As a man his character was simple and upright, and the inscription over his tomb in the church of Santa Croce, in Florence, was not ill deserved.

"Tanto nomini nullum par elogium."

With no alloy of regret at anything he has ever written, we turn over the pages of the great Sir Thomas More. Hardly in the whole range of English history can a character be found so near perfection as that of More. Penetrated by his own convictions of right, he was perhaps hardly tolerant enough of the differences of opinion of others; but with this slight blemish, the fault undoubtedly of the age in which he lived, he was both in his life and in his death of martyrdom, almost a perfect man. His Utopia displays an intellect in advance of its time, and some of the principles advocated by it are yet but slowly gaining ground.

John Bodin is ranked by Mr. Heron as the first of the political writers of the sixteenth century. He was born in Angers, and practised with little success as an advocate in Paris. In 1566 he published "*Methodus ad facilem Historiarum Cognitionem*," in 1568 a dissertation on Money, and subsequently his great work "*Livres de la Republique*." Of this work Thuanus speaks in high terms of praise, and indeed its reputation spread rapidly through Europe, and caused it to be translated into Latin and English. As an instance of the curious combination of learning and ignorance, of large and little views often found in men, we may mention that Bodin wrote a treatise intended as a reply to Wierus, in which he laboured to prove the existence of witchcraft, and brought upon himself the retributive justice of a suspicion of being himself a magician.

Having analysed and criticised the Ecclesiastical Polity of "the judicious" Hooker, of which Pope Clement VIII. said, "there are in it such seeds of eternity as will continue till the last fire shall devour all learning," our author brings us in the first chapter of the fourth book to the illustrious name of Bacon.

"Lord Bacon," writes Mr. Heron, "unquestionably was the first in modern times who conceived a true idea of the science of jurisprudence. But, immersed in public duties, and in other branches of human learning, he had no leisure to compose a complete work on the subject of law. Nor did he compose any work on government or international rights and duties; those lofty themes which, since the revival of learning, had employed the pens of Suarez and Bodinus, and were soon to be illustrated by Grotius. The juridical tracts which he has left, namely, the Proposal to King James of a digest to be made of the laws of England, and the Proposal for amending the laws of England, and the *Tractatus De Fontibus Juris*, are mainly concerned about the laws of procedure, or those laws which Bentham terms adjective in contradistinction to the substantive laws, whose execution they accomplished. In these certainly Bacon lays down the principles of codification which, long neglected by the technical lawyers of England, at length were cultivated with minutest accuracy by Bentham, and in the present century were first applied to our criminal law, by Sir Robert Peel. The unfinished tract termed the *New Atlantis*, was plainly suggested by the *Utopia* of Sir Thomas More. In it is exhibited the model of a college, instituted for the interpreting of nature, and the producing of great and marvellous works for the benefit of men. It also was Bacon's design to have composed in it a frame of laws the best suited for a well ordered polity. And the scheme of the whole work was to show the unbounded progress and improvement open to mankind. Dean Swift's voyage to *Laputa* ineptly satirizes a great portion of the *Atlantis*. The conclusion of the Eighth Book, *De Augmentis Scientiarum*, is well known to contain a masterly exposition of the principles of judicature. Lord Bacon devoted only a small portion of this work to the science of law, either public or private. The portion applicable to the former is the short *Tractatus De Proferendis Finibus Imperii*. The portion applicable to the latter is the *Tractatus de Fontibus Juris*. Nowhere do we find more profound and philosophic views concerning the origin, the objects, the qualities, the progress, the revise, the digested compilation of human laws. It is very much to be regretted that this portion of the work was never completed, and that we now have only one title on the *Certainty of Law*."

Mr. Heron then proceeds to give a translation of the
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"*Tractatus de fontibus Juris*," accompanied by valuable comments.

Thomas Campanella, the contemporary of Bacon, and we are informed, styled by his countrymen the Bacon of Italy, was as remarkable for his misfortunes as his talents. A voluminous, but inconsistent writer, weak enough to believe in magic and astrology, he has no pretensions to rank with Bacon, and his writings are rather remarkable for attacks upon the systems of others than for supporting and establishing original views.

A considerable space is very justly devoted by Mr. Heron to a consideration of those juridical labours, by which the great Grotius illuminated the 17th century. His work, "*De Jure Belli et Pacis*," published at Paris, 1625, is to this day the greatest treatise on international law. And we are furnished by our author with an able, comprehensive, and clear view of its character and object.

"Grotius gives in the preface his reasons for writing his treatise *De Jure Belli*. He saw throughout the Christian world a licentiousness in fighting which even barbarians would be ashamed of—a recourse to arms upon trivial or even no causes; and once they were taken up no regard for divine or human law. Hence some, like Erasmus, had denied the lawfulness of war, to a Christian. But this had been injurious, because men, discovering things that have been urged too far by such philosophers, are apt to slight their authority in other matters. A cure, therefore, was to be applied to both these cases, as well to prevent believing that nothing, as that all things were lawful. He was also desirous to promote, by his private study, Jurisprudence, which he formerly practised in public employment, this being the only thing left for him to do, unworthily banished from his native country, which he had honoured with so many of his labours. Grotius defined jurisprudence as the science which teaches us to live according to Justice, and he defined Justice as a moral virtue or disposition of the mind to do what is equitable. This definition is to be remembered in the perusal of his works on international laws. His first care in the treatise "*De Jure Belli*" was to refer the proofs of those things that belong to the laws of nature, to some certain ideas which no one can deny without doing violence to his judgment. Towards the proof of this law he made use of the testimonies of philosophers, historians, poets, and in the last place, orators, not as if they were implicitly to be believed, for it is usual with them to serve their own party or argument. But when many men, of different times and places, unanimously affirm the same thing for truth, this ought to be ascribed to an universal cause, which, in such questions as these, can be nothing else than either a right deduction from the principles of

nature, or else some common agreement. The former show the law of nature, the latter the law of nations ; the distinction between which is not to be understood from the language of these testimonies, for writers are prone to confound the two expressions, *Jus naturæ* and *Jus gentium*—but from the nature of the subject. For whatever cannot be clearly deduced from true premises, and yet appears to have been generally admitted, must have had its origin in free consent. Grotius found it necessary to get at some fixed principle which should be acknowledged to be such by all who read them. In order to do this he was obliged to survey the divers codes of morality and of general law. He penetrated into all the sciences between which and his own he could discover any analogy, and he examined the opinions of all great men, of whatever class, from which he could extract anything like a community of sentiment. The work of Grotius has, therefore, for its support, all that the philosophers, the poets, the orators, the critics of antiquity or of modern times can furnish. It is aided by all the lights which can be drawn from the famous civil law, cleared from the defects and false glosses which had been put upon it by corrupt or ignorant interpreters ; above all, it is finally connected and stamped with authority by large quotations from the Bible and Fathers of the Church.”

. And again :

“ In the first book after premising something concerning the origin of law, Grotius examines the general question whether any war is just, then after discussing the difference between a public and private war, he explains the authority of the supreme power itself, what people may have it, what kings, who in full, who in part, who with a power of alienating it, and who may have it in any other manner. The second book undertaking to explain all the causes from whence a war may arise, states at large what things are common, what proper, what right one person may have over another, what obligation arises from dominion ; what is the rule of regal succession, what right arises from covenant or contract, what is the force, and interpretation of leagues, what of an oath, both public and private, what may be due for damage done, what is the sacred privilege of ambassadors, what the right of burying the dead, what the nature of punishments. The third book treats first of what is lawful in war, and then having distinguished that which is done, with impunity, or which is even defended, as lawful among foreign nations, from that which is really blameless, descends to the several kinds of peace, and all agreements made in war. Since the treatise is entitled, ‘*De Jure Belli*,’ he first enquires whether any war be just, and then what may be just in that war. For right here signifies merely what is just, and that rather in a negative than in a positive sense ; as right is that which is not unjust. Now that is unjust which is repugnant to the nature of a society of per-

sous enjoying reason. 'Nam, Jus hic nihil aliud quam quod justum est significat, idque negante magis sensu quam, aiente, ut jus quod injustum non est. Est autem injustum—quod naturæ societatis ratione utentium repugnat.' So Cicero says it is unnatural to take from another to enrich oneself, which he proves thus, because if that were allowed to all, human society and intercourse must necessarily be dissolved. There is another signification of the word right—Jus—which relates to the person. In which sense right is a moral quality in a person enabling him to possess, or do something justly. This right pertains to the person, though it sometimes relates to the thing itself; for example, servitudes of land. But this moral quality, when perfect, is called by Grotius, faculty—*facultas*; when imperfect, aptitude. Civilians call a faculty that right which a man has to his own. But Grotius terms such a right, a right, properly so called, under which phrase is contained a power over ourselves, which is termed liberty—a power over others such as the paternal—dominion over property whether complete or incomplete, as usufruct, pledge or the right of creditors, to whom the debt is due. Aristotle calls aptitude by the term *ἄξια*. Expletive justice regards faculty (*facultas*) or the right we have to our own. This is termed by Aristotle *συναλλακτική*, commutative, a word too narrow and confined. For that the possessor of my property should restore it to me is not *ἐκ συναλλάγματος*—and yet pertains to this species of justice. Attributive justice, called by Aristotle *διανεμητική*, distributive, respects aptitude or worth, and is the companion of those virtues that are beneficial to others, as liberality, mercy, and directing prudence. Natural law is the dictate of right reason, showing the moral turpitude or moral necessity which exists, in any act according to its agreement or disagreement with a rational and social nature, and consequently that such an act is either forbidden or commanded by God, the Author of Nature. *Jus naturale est dictatum rectæ rationis, indicans alicui actui ex ejus convenientiâ aut disconvenientiâ cum ipsâ naturâ rationali ac sociali inesse moralem turpitudinem, aut necessitatem moralem, ac consequenter ab auctore naturæ Deo talem actum, aut vetari aut præcipi.* As a definition embracing the whole sphere of right and duty, this is philosophically correct, but at the same time in it we see confounded ethics and jurisprudence. And as jurisprudence only embraces those duties capable of being enforced, we must hold the definition of Grotius in this respect far too extensive. Now that anything is or is not right by the law of nature, is generally proved by argument, drawn either from what goes before, or from what follows. The proof by the former is, if the necessary agreement or disagreement of anything with a reasonable and social nature be shown. The proof by the latter is, when that is inferred to be a part of natural law, if not with the greatest certainty, at least very probably, which is believed to be such amongst all nations, or at least the most civilized. Yet

a universal effect requires a universal cause; thus, Hesiod *Φημι δούτις πάμπαν ἀπόλλυται, ἥτινα πολλοὶ λαοὶ φημίζουσι*; and Cicero, 'In re consensio omnium gentium jus naturæ putanda est.' The argument mentioned by Grotius, as drawn from the consent of mankind, although by far the most important, is yet to be taken, with certain qualifications. Men pass from barbarism through different stages of civilized life, and in such gradation hold different views as to their rights and duties. The science of jurisprudence will probably be one of the last to arrive at perfection over the world. But we observe even in the most advanced of the physical sciences—that of astronomy—that until very recent times most erroneous views prevailed amongst the most advanced nations. The opinions which a nation holds, and practises in politics and laws, may generally be taken as the most correct and advanced which are possible for them in their then state of progress. And such opinions give us some assistance in ascertaining the fundamental principles of Law, but certainly do not afford equal assistance in our prevision as to the ultimate development of Jurisprudence. Voluntary Law (Positive Law) is either human or divine. This Grotius divides into *jus civile*, and *jus gentium*, whilst he erroneously separates from the *jus civile* the authority of a father over a child, or a master over a servant. A state is a perfect society of free men, united for the sake of the enjoyment of their rights and the common good. 'Est autem civitas cœtus perfectus liberorum hominum juris fruendi et communis utilitatis causa, sociatus.' The law of nations derives its authority from the unanimous approbation of all, or at least many nations. Its proofs are the same with those of the unwritten civil law—continued use and the testimony of men skilled in the laws. Grotius then proceeds, with very diffuse proofs to show, that to make war in certain cases, is not contrary to the Law of Nature. This argument he illustrates from Reason, Sacred History, and the Consent of Mankind. Concerning force, in self-defence, Cicero gives the testimony of nature herself. 'Est hæc non scripta sed nata lex, quam non didicimus, accepimus, legimus, verum ex natura ipsa eripimus, hausimus, expressimus ad quam non docti, sed facti, non instituti, sed imbuti sumus: utsi vita nostra, in aliquas insidias, si in vim, in tela aut latronum aut inimicorum incidisset omnis honesta ratio esset expediendæ salutis.*' The similar proofs and quotations in this chapter are most voluminous; but except for those who uphold the quaker theory of non-resistance, its perusal is unnecessary. The first and most necessary division of war is into private and public. A public war made by him who has authority, a private war otherwise. Private war is not wholly unlawful, even since the constitution of public courts of justice. Though it is much more conducive to the peace of mankind that

* Lib. I. c. ii §. 3.

differences should be examined by persons unconcerned, rather than by particular men, who, biassed by self-interest, do only that which they themselves think right. Still he is reported innocent by the laws of all known nations, who by arms defends himself against him that assaults his life. Of public war, part is solemn by the law of nations, and part less solemn. Two things are requisite, to make a war solemn by the law of nations. First, that it be made by the authority of those that have the sovereign power in the state; and then that certain formalities be used. What constitutes sovereignty is then discussed. The moral power of governing a state, which is wont to be termed the civil power, Thucydides describes, by three things, when he calls a state that is truly a state, *αὐτόνομον αὐτόδικον αὐτοτελὴ*, self-legislating, self-judging, self-taxing. After enumerating and reporting some other definitions, Grotius defines that power to be supreme, whose acts are not subject to another's power, so that they cannot be made void by any other human authority:—'*Summa autem illa dicitur, cujus actus alterius juri non subsunt ita ut alterius voluntatis humanæ arbitrio irriti possint redditi.*' Grotius devotes the greater part of the remainder of this chapter to the repetition of the opinion that the supreme power is always in the people, and that they may restrain and punish princes for their mismanagement. It was perhaps impossible even for his mind to emancipate itself from the whole current of authority running in favour of the irresponsibility of princes. When Grotius wrote, Charles I. reigned in England, and Louis XIII. in France. Since that time the great revolutions in England and France have enlightened the mind of Europe on the natural right of the subject's resistance to oppression. Nor does the long array of authorities paraded by Grotius in favour of non-resistance, avail against the common sense of society. The conclusions of political science are, that power is entrusted to the governors for the benefit of the governed, that taxes are wages paid to the public servants in exchange for security. In the fourth chapter of this book, Grotius still further considers the main question, whether it be lawful for subjects to make war against their sovereign. He says it is allowed by all good men, that if the prince commands anything contrary to the law of nature or the commands of God, he is not to be obeyed, but at the same time maintains with abundant argument and illustration, that resistance to the sovereign power is unlawful by the law of nature, the Hebrew law, and the Gospel. Though the supreme magistrate may sometimes through fear, anger, or some other passion, deviate from the ordinary path of justice and equity, this happening but seldom, should be passed over. A more difficult question is whether the law of non-resistance obliges us in the most extreme and inevitable danger? This seems, he says, to depend upon the intention of those who first entered into civil society, from whom the right is derived, to the person governing. But if they had been asked,

whether they would have imposed such a condition on all mankind as death itself, rather than in any case by force to repel the insults of their superiors, it is doubtful whether they would say, they did design it, unless with this caution, that such resistance could not be made without great disturbance in the state, or the destruction of many innocent persons. Barclay allowed, that the people, or the nobler part of them, had a right to defend themselves against tyranny. This argument, however, refers almost entirely to absolute sovereigns. For he proceeds to show that those princes who are under the people—whether they at first received such a power, or it was afterwards made so by agreement, as in Sparta, if they offend against the laws or the people, may not only be resisted by force, but, if it be necessary, may be punished by death, as it befel Pausanias, the Spartan king; next, if a king has abdicated his government, as he who manifestly forsakes it, we may do the same to him as to any private man; but he that is negligent in his government cannot be said to forsake it. Grotius admits that if the king, directly like an enemy, design the utter destruction of the whole body of his people, he loses his kingdom. For, the design of governing and the design of destroying are inconsistent together. He then considers the case of an usurper, not after he has either by long possession or agreement obtained a right to the government, but so long as the case of his unjust possession continues. Against such an usurper it is lawful to rebel, but in a controverted right no private person ought to determine, but to obey the present possessor. There is no other just cause of war than an injury received. He first treats of injury to property. Here Grotius apparently leaves the main plan of his work, and enters into a long disquisition upon the rights of property. A thing becomes our own either by the common right of men, or by our individual right. And first he treats of that which we have in common with all mankind. This right relates directly either to some corporeal things or to some individual action. Corporeal things in which there is no property, are either incapable or capable of being appropriated; which that it may be the better understood, the origin of property, called by the lawyers, dominion, must be examined."

In more modern times there has been some diversity of opinion as to the merits of Grotius's "*De Jure*." Paley and Dugald Stewart are amongst the most remarkable of those who have refused their unqualified approbation, while the eloquence and learning of Sir James Mackintosh have been employed in its praise. Independently altogether of the remarkable impulse which the publication of this work gave to the study of Ethical science, it must here be regarded as the production of a

great mind stored with varied erudition, and justly balanced by the great principles of truth and natural justice.

We recommend to the careful perusal of our readers the 2nd chapter of the 4th Book of Mr. Heron's work, in which the character and tendency of the works of Hobbes are fully discussed.

Hobbes probably deserved neither all the censure nor all the praise with which his opponents and admirers have respectively loaded him. Of the former, some content themselves with a vague imputation of irreligion, others stigmatise him as an atheist.

Mr. Heron writes:—

“Savigny has said that a domain of science, like law, cultivated by the unbroken exertions of many ages, is for the present time a rich inheritance. There is not merely the mass of truths accomplished, but the efforts of scientific minds, all the attempts of our predecessors, whether they have been fruitful or failures, are either guides or warnings, and thus we are enabled to labour with the united strength of the ages that are past. Were we through indifference or presumption to neglect this natural advantage of our position, and to abandon to chance, the influence which it ought to exercise over us, then should we throw away an inestimable advantage—the indissoluble substance of true science, the community of scientific convictions, and the living progress, without which that community would degenerate into a dead letter. Thus, although there is more to censure in the writings of Hobbes, than we should find in those of any other philosopher who has written so much, and so well, it is impossible to deny the importance of his place in the history of jurisprudence. Even by the very opposition which his paradoxes excited, progress was accelerated. Against Hobbes, Harrington defended liberty, and Clarendon the Protestant Church; against him Cudworth insisted upon the natural distinction between right and wrong, whilst Cumberland, Shaftsbury, Clarke, Butler, and Hutcheson, are all arrayed in philosophical antagonism against the author of the *Leviathan*. All are warned by his errors, and even in opposition benefit by his genius and industry. But though Hobbes be condemned for having in his political system represented man as an untameable beast of prey, and government the strong chain by which he is kept from mischief, his theories are not all error; succeeding writers have derived much assistance from his powers of analysis, whilst his idea that man is by nature solitary and selfish, that the social union is entirely an interested league, has been expanded into the doctrine of utility, and though in some instances pushed too far, has been applied with success to the theory of Punishment by Bentham.”

The conclusion of the Leviathan is thus quoted by Mr. Heron:

"There is nothing in this whole discourse, nor in that I writ before of the same subject in Latin, as far as I can perceive, contrary either to the Word of God or to good manners, or to the disturbance of public tranquillity. Therefore I think it may be profitably printed and more profitably taught in the universities, in case they also think so to whom the judgment of the same belongeth. For seeing the universities are the fountains of civil and moral doctrine, from whence the preachers and the gentry, drawing such water as they find, use to sprinkle the same, both from the pulpit and their conversation upon the people, there ought certainly to be great care taken to have it pure, both from the renown of heathen politicians and from the incantation of deceiving spirits. And by that means the most men, knowing their duties, will be the less subject to serve the ambition of a few discontented persons in their purposes against the state, and be the less grieved with the contributions necessary for their peace and defence. And the governors themselves have the less cause to maintain at the common charge any greater army than is necessary to make good the public liberty against the invasions and encroachments of foreign enemies. And thus I have brought to an end my discourse of Civil and Ecclesiastical Government, occasioned by the disorders of the present time, without partiality, without application, and without other designs than to set before men's eyes the mutual relation between protection and obedience, of which the condition of human nature and the laws divine, both natural and positive, require an inviolable observation."

Mr. Heron thus succinctly sums up:—

"Much truth exists in Hobbes' Scheme of Politics. It is not easy to controvert the proposition that in the original phase of savage life men are in a state of war, or, in other words, employ a force of every kind in seizing to themselves what is in the possession of others. A personage in Platus says,

'Homo Homini ignoto lupus est.'

And this opinion is certainly true of all who are in the lowest stage of civilization. An Indian meeting a stranger grasps his arm, as surely as a dog in a country house barks at an unusual noise or an unexpected guest. In most languages the words for stranger and enemy are originally the same. Truth, Honesty, and Benevolence are seldom found developed in the lowest types of man, nor have such tribes more affection for their women and children than is common to the whole animal kingdom, and necessary to its existence. Hobbes, however, ignored that if selfishness be natural, sociability

is also natural, benevolence is natural. Men do good for the love of God, and for the happiness of doing good. Hobbes transplanted the savage with all his original evil qualities into the heart of civilized society, and imagined that civilization for such persons could be maintained even by despotism. The theory of development was unknown at that age; Hobbes supported despotism, whether exercised by Charles or by Cromwell. He was exasperated by the democracy which had inspired Milton. It may be admitted, that taking man as Hobbes imagined him to be, the only proper government is a despotism. In fact, we perceive all over the world that despotisms are the only secure governments for men in a certain stage of civilization. But it is impossible for us to understand how Hobbes could imagine the same constitution fit for Morocco and for England; or how he could maintain that the distinctions of right and wrong, good and evil, are made by the laws, that no man can do amiss who obeys the sovereign authority, and that our religion must always conform to that of the state in which we live. Neither the doctrines nor the errors of Hobbes had much influence at the period of their publication. The friends of Liberty easily overthrew his paradoxes; on their side the supporters of the Stuarts and the Restoration were scandalised at the theories which such an auxiliary furnished them with, and which might have been taken either as a satire upon them, or as an apology for despotic power. If Machiavelli were immoral without knowing it, he has at least balanced the inconvenience of his own theories by that spirit of history which has made his works a School of Policy. No similar profit could be drawn from the writings of Hobbes."

Spinoza, Locke, Puffendorf, and Leibnitz, each meet from our author their share of notice and comment, and the fifth book opens with an account of the writings of Giambattista Vico. Of this remarkable writer but a small part had, previously to the publication of the work under notice, been translated into English; and Mr. Heron is entitled to the merit of having first introduced him in an English dress, or, rather given us the substance and marrow of his writings on jurisprudence. In his ideas with regard to Homer and Roman history, he appears to have been followed by Wolf and Niebuhr.

"The originality of Vico," says Mr. Heron, "has been traced to one single thought, the creator of all the others, that civilizations proceed from the idea of God, like rivers from their source. The day when Vico, after reading Grotius, and seeking to resolve the problem of the origin of society, discovered that community amongst men arose from the thought of God, that day he found his science. Whilst the civilians Grotius and Puffendorf, and later still even, Rous-

seau, in their search after the origin of society, make everything depend upon the first inventions of the mechanic arts, Vico leaps at one bound to the conception of God, and this thought being known, society is constituted. Vico sees, like Bossuet, that the civil world is submitted to the government of Providence, but he does not, like him, stop short at the general thought, he approaches much nearer to the living truth; to say that empires are moved by Divine ideas, is to remain still in the abstractions of Plato. This is Vico's precise originality, it is that of which he is the least conscious; he identifies unknown to himself, the divine ideas, the warnings of providence with positive worship, with religions, which thus become, as it were so many partial revelations of eternal wisdom in the city of space and time."

After the resumé, of which we have spoken, our author thus concludes:—

"Vico then concludes that there is a great community of nations founded and governed by God. Wise legislators, the Lycurgi, the Solons, the Decemvirs, are exalted to heaven with praises for having by their salutary laws founded the three most illustrious cities in the world, Sparta, Athens, and Rome, which lasted but a short time in comparison with the universe of nations, ordered with such order, and founded with such laws, that from very corruption States take the form by which alone they can be preserved. This, then, is the design of a Sovereign wisdom. Divinity ordains the plan. Men themselves have made this world of nations. But they have made it under the Will of an infinite Spirit, often different, sometimes opposed, and always superior in its conceptions to the particular and narrow views of man—which narrow views yet serve an end more grand, the preservation of the human race upon the earth. From lust arises marriage,—then families. The Fathers wished to exercise the paternal power immediately over their clients, hence arose cities; the reigning orders of the nobility desired to abuse their seignorial power over the plebeians, and they came under the dominion of the laws which made popular liberty free; free nations desired to escape from the chain of the laws, and they came under the sway of monarchs; monarchs to secure themselves, plunged their subjects into all vices, and thus disposed them to support the slavery of the stronger nations; nations wished to disperse themselves, and they preserved their remains in the desert, whence, as a Phoenix, to arise again. All this has been done by mind, for men have done these things with understanding, not by fate, for they have done so by choice; not by chance, for the return of the same causes has always produced the same effects. Hence Epicurus and his followers, Hobbes and Machiavelli, have been wrong in attributing to chance the direction of the world; Zeno and Spinoza, in attributing it to fate; Plato, the prince of political philosophers, has said with more wisdom, that human

affairs were regulated by Providence. And the Roman jurists have established Providence as the first principle of the natural law of nations. Vico, in the foregoing work has attempted to demonstrate that providence gave to the first governments of the world religion, upon which alone rested the state of families, then that religion was the principal firm support of the civil, heroic, or aristocratic governments, then, that it served as the means by which the people arrived at popular governments, finally, that in monarchical governments religion became the shield of princes; hence, that when nations lost religion there remained to them in order to live in society, neither shield for defence nor means for counsel, nor support, nor form. The *Scienza Nuova* concludes with the reflection that the study which it teaches is indissolubly connected with the study of piety, and that without being pious, we cannot be wise."

The name of the Marquis Beccaria will be for ever remembered in connection with the momentous question of Capital Punishment. Applying himself to the practical amelioration of the law, rather than to the discussion of its theories, he published his celebrated treatise on Crimes and Punishments. Nearly one hundred years have elapsed since the appearance of this work, and although the views put forward in it have received the confirmation of universal experience, the punishment of death still disfigures the statute books of these countries. Progress and improvement have been made in every other direction. The preservation of uneducated and erring youth from permanent depravity has become, as it deserves to be, one of the most prominent and important subjects for the consideration of our legislators and jurists, but the abolition of punishment by death has not received its due share of public attention. It is almost impossible to exaggerate the importance of this question; for if punishment by death be in itself unjustifiable, what awful consequences ensue from the existing law! We shall devote some space to this topic.

Life is the gift of God alone. He gives breath, and when it pleases Him to stop that breath, no earthly power can change or mitigate the sentence. In every age and every people, human life, therefore, has been regarded as sacred, and the destroyer of life as the greatest criminal. In England, murder alone, practically, is punished with death. Not a voice is raised in favour of mercy to the detected and acknowledged murderer. By breaking into the "bloody house of life" he has cut himself off from all

human sympathy, and universal indignation and execration are hurled at him from every side. We cannot wonder, therefore, that men have framed the severest laws to punish this crime, and yet there appears a certain inconsistency in making *death*—in the infliction of which the enormity of the crime consists—the punishment of the crime itself. Every consideration which tends to aggravate the guilt of murder, tends likewise, it appears to us, to deprecate the taking of the murderer's life. If the poor victim have been hurried to his account, with all his imperfections on his head, the guilty wretch may, and probably will, be cut off in the blossom of his sin; if repentance has been denied to the one by the awful suddenness of his "taking off," the shadow of coming death falling on the soul of the other, may shroud it in a gloom never to be dissipated by the light of grace. The short interval allowed the criminal between his sentence and its execution affords no favourable circumstances towards reconciliation with God. A thousand thoughts flying through the brain of the condemned wretch, confuse, and sometimes madden him. Though a murderer, he may not be a man entirely depraved; ungovernable passion, frenzied jealousy, or wild revenge may have hurried him into a crime deeply repented the next instant; he may have been an affectionate husband, a fond father, a useful citizen, until the unhappy moment of his offence; and near his prison, or far away in some distant and peaceful spot, his wife and children may be assembled in the house of mourning, mourning for him inclosed in a living tomb. With the intense bitterness of the thoughts which fill his mind with visions of those days when he was innocent and free, some aspirations for pardon and mercy from above may perhaps mingle, but that calm and holy frame of mind which befits a man upon the threshold of eternity, are not, cannot be his, and the time which elapses from the moment of his condemnation, till he stands upon the scaffold, is passed either in a stunned and half unconscious, half incredulous state, or in a wild whirl of passionate grief and rage.

In every instance in which, according to the law of England, a man is condemned to death, he must be convicted on either positive or circumstantial evidence. We are often pained at the present day to hear some of our judges repeat the conventional nonsense as to the certainty and force of circumstantial evidence, which originated, so far

as our research enables us to discover, with Mr. Justice Buller, at the trial of Captain Donnellan, for the murder of Sir Theodosius Boughton. His words are these,—“A presumption which necessarily arises from circumstances, is very often more convincing and more satisfactory than any other kind of evidence; it is not within the reach and compass of human abilities to invent a train of circumstances which shall be so connected together as to amount to a proof of guilt, without affording opportunities of contradicting a great part, if not all, of these circumstances.”

The meaning of which appears to be this, that a true conclusion can with more certainty be drawn from a number of circumstances, connected by reasoning, and pointing by the same reasoning to a certain conclusion, than from the direct evidence of persons who themselves witnessed the occurrences in question. Circumstances, it is urged, cannot lie—but the narration of circumstances is obtained from witnesses who may. Again, the circumstances may be truly stated, and the application of the circumstances may be wholly false.

From one circumstance positively deposed to by a witness, the inference to be drawn is generally obvious, but the conclusion to be derived from a number of circumstances is not always equally plain; it then becomes a matter of judgment—an exercise of the understanding,—the single circumstance is deficient in weight, and therefore of limited power; the chain of circumstances possesses considerable weight, but involves the serious question of applicability to the issue.

“*Probatio per evidentiam rei, omnibus est potentior, et inter omnes ejus generis major est illa, quæ fit per testes de visu,*” says Mascardius. And again.

“*Probatio per presumptiones et conjecturas dici non potest vera et propria probatio.*”

Menochius, who displays a certain degree of partiality for this kind of proof, says, nevertheless, “*Probatio seu fides quæ testibus fit, cæteris excellet.*”*

And this is surely common sense, and entirely opposed to the absurd doctrine that circumstances cannot lie, and

* Menochius de Præsumptionibus, L. 1, 9, 1.

that conjecture is superior in proof to ocular demonstration.

But for the purposes of our present argument with reference to capital punishment, we may admit the superiority of circumstantial evidence. We shall show presently that circumstantial evidence has so frequently misled, that it cannot by any conscientious man, acting upon a jury, be received with sufficient confidence to justify him in taking away human life. We shall show that it has misled and deceived in cases in which we defy the most acute to detect the slightest discrepancy; in cases in which it not only pointed to a particular individual as guilty, but appeared actually to exclude the possibility of his innocence; if this be so, we think it follows that it will be always unsafe to convict a man of a crime involving an irreparable and final doom, upon purely circumstantial evidence; and, of course, if this be granted, it must follow that it will be less safe to convict on direct evidence, it having been conceded that direct is inferior to circumstantial evidence. But assuming the true position, that of the great inferiority in judicial proof, of circumstantial evidence, if we admit that convictions founded upon it are not satisfactory, and that the extreme punishment of death should not, in such cases, be inflicted, we must dispense with it likewise in cases in which the conviction has been had upon direct and positive proof. For otherwise the public, the great mass of whom would be unable to distinguish the causes leading in some cases to the commutation, and in others to the execution, of the sentence, would be led to conclude that the power of pardoning was capriciously exercised, and confusion and discontent would ensue. Man can hardly say with confidence that he is certain of *anything*, the proof of which depends on human testimony. Human fallibility is universally admitted; how then can man be justified in inflicting on his fellow man, convicted on fallible testimony, a punishment absolutely final and wholly irreparable? Surely it would better become finite beings, liable to error, and open to deception, so to punish, that if thereafter it should appear that they had unjustly punished, they might have it in their power to afford some compensation, however inadequate, to the victim of injustice. Plainly, they cannot do this if they have deprived him of his life. Liberty may be taken and restored—wealth may be supplied—and even frail reputation may be repaired; but the spring of life once

stopped, must cease to flow for ever—the light of life once extinguished must remain for ever darkened—the golden bowl once broken, for ever disunited. It would almost seem that Providence had permitted the occurrence of some of the cases to which we are about to refer, to rebuke the presumption of human nature, and to show how little its most perfectly devised schemes of investigation and inquiry are fit to cope with the mysterious workings of Omnipotence. Surely, if men reflected sufficiently upon the awful sanctity of life, that gift of Heaven, the conferring or the prolongation of which has never been in the smallest degree delegated to man, they would pause ere, with no matter what solemn forms of judicial procedure, they dared to arbitrate upon the question of its continuance or its ending.

The more enlightened and better educated the jury empanelled to try a capital case, the greater will be the difficulty of obtaining a conviction on circumstantial evidence. Such men will hardly fail to have read some of those startling instances of the fallacious nature of circumstantial evidence to which we have alluded; and, indeed, the skilful advocate will hardly omit to urge this topic. The result will almost inevitably be wavering and indecision, and a reluctance to condemn, which would not prevail were the punishment following on conviction less extreme. It may be urged that such a course of conduct is unreasonable and unjust; and that it is as unfair to subject a man to the least punishment as to the greatest on unsatisfactory proof of guilt; true, and on all occasions the accused should have the benefit of the doubt; but we speak of cases in which the mind is satisfied, and a moral certainty of the guilt of the accused is established; but in which the recollection of cases, such as those we have mentioned, comes across the mind, and causes a man to pause before he commits a fellow creature to a punishment which, once inflicted, is complete and final, and which no earthly power can subsequently mitigate or cancel.

In the year 1742, a gentleman on his road to Hull, and within a few miles of that town, was waylaid by a masked highwayman, and robbed of a purse containing twenty guineas. Having accomplished the robbery, the highwayman rode off by another road, and the gentleman pursued his journey; but being naturally somewhat shaken by the occurrence, he went but two miles further on his

road, and then determined to stop for the night at the Bell Inn, kept by one James Brunell. Here he related the circumstance of the robbery, adding that, as he made it a rule to mark the gold which he carried on a journey, he had a clue which perhaps would lead to the detection of the robber. In the course of the evening Mr. Brunell, the landlord, entered the room occupied by the traveller, and having inquired, in the usual way, after his comfort, and condoled with him upon the loss of his property, concluded by expressing his conviction that he could point out the criminal. He went on to say that his suspicions had fallen on one of his own waiters, who had lately made a considerable show of the possession of money, and whom he was about to discharge from a conviction of his dishonesty; that he had that evening sent out this man, John Jennings, to change a guinea, and that the latter had returned, subsequently to the arrival of the traveller at the Bell, intoxicated, and stating that he had been unable to procure change. That he, Brunell, had been struck by the idea that the guinea returned to him by Jennings, was not the identical coin which had been given him to get changed, and that having sent Jennings to bed, he took occasion to examine the guinea, and satisfied himself, on close inspection, by observing upon it a peculiar mark, that it was not the same. That this circumstance of itself did not at the time occasion him any particular anxiety, as Jennings frequently had gold in his possession, and that shortly after he paid away the marked coin, handed to him by Jennings, to a person who had resided at a distance, and who had since gone home. That having subsequently heard the account of the robbery, as given by the traveller, from some person who had been present at the narrative, (he having been himself absent at the time,) and of the circumstance of all the stolen money being marked, he had thought it but right to mention what had passed, and to take steps for the detection of the guilty party. The traveller received the story, and the landlord's offered assistance, with thanks, and it was eventually agreed that both should go up softly to Jennings' room, and take advantage of the sound sleep into which intoxication had thrown him, to institute a search amongst his clothes. It was done—his pockets were examined, and from one of them was drawn forth the stolen purse, containing precisely nineteen guineas, each marked in a manner which the traveller at once

recognized. Jennings was forthwith aroused, and charged with the robbery, which he firmly and positively denied—a denial utterly vain in the face of such an array of circumstances. He was brought to trial. His master deposed to the narrative which he had related to the traveller on the evening of the robbery—the man to whom he had paid away the guinea, handed back by Jennings, was produced, and in turn produced the guinea in question, which the prosecutor identified as one of the twenty of which he had been robbed. Of what avail were the protestations of innocence made by the unfortunate Jennings, in the face of such an array of circumstances? He was found guilty, and executed, declaring with his dying breath his innocence of the crime of which he was accused.

Within one year that innocence was established,—too late, however, to repair the injustice done. Brunell, the landlord, and principal witness against Jennings, was arrested, tried, and convicted, and sentenced to death for robbing one of his guests, in his own house. Smitten, at last, by remorse, he confessed that he had been guilty of several highway robberies, and amongst the rest that for which the unfortunate Jennings had been hanged. It appeared from Brunell's confession, that having effected the robbery, he reached home by a shorter route than that taken by the traveller, and found on his arrival a person waiting to be paid a trifling account; not having sufficient money in his pocket, he availed himself of one of the stolen guineas, and paid and dismissed his creditor, and then went to the stables to groom the horse from which he had just alighted. In the interim the traveller arrived, and narrated the circumstance of the robbery, and of the stolen money having been marked, all of which was repeated by some of the parties present, to Brunell on his return from the stables to his house. Terrified and confounded, and particularly alarmed at having parted with one of the marked coins to a person in his own house, and to whom he could not possibly apply for it again, detection seemed inevitable, and in the midst of his perplexity the nefarious scheme, which he subsequently executed with such lamentable success, suggested itself to his mind.

We cannot blame the jury who convicted Jennings,—can we approve the law which deprived him of life, and cut off every opportunity of subsequent redress? of such redress as restoration to liberty and reputation, and a

substantial pecuniary recompense would have supplied? We may take this opportunity of noticing an absurd anomaly presented by our criminal code. So jealously does the legislature guard the finality of the verdict of a jury in a criminal case, that a man once convicted receives, upon his innocence being subsequently established, not a reversal of his conviction and sentence, but the gracious favour of a free pardon! Is it not to heap coals of fire on the head of a victim of injustice, already goaded to madness by a sense of injury, to tell him with the same breath that announces the establishment of his innocence, that his Sovereign has been graciously pleased to grant him a free pardon? Really this clumsy contrivance to evade a candid admission of error and a just expression of regret, are more worthy of a race of savages than of a civilised nation. What a fierce mockery to tell a man to his face that he has been the victim of a mistake, (no matter how excusable,) that he was presumed, and partly punished as guilty, but has been found wholly guiltless, that he has been cruelly wronged on every side, and that *therefore* he has been mercifully granted a free pardon! How much more consistent it would be with our boasted refinement and civilization, nay more, how much more consonant with common sense and common right to make the declaration of a man's innocence, when thus established, as public and as solemn as was the declaration of his guilt. Would it be more than the barest measure of justice to send for the man to the gaol in which he had been immured, to appoint a public sitting of the same court that tried him, to have him brought before that court, and publicly and suitably and feelingly addressed in the presence of his fellow-countrymen, and then and there told how deeply the involuntary injustice done to him had wrung the great Heart of the guardian law of the land? Would it be more or otherwise than just to order that a suitable pecuniary recompense, measured according to the rank of life, extent and duration of punishment undergone, and other considerations, should be awarded to him; a recompense paid out of the public purse, and valuable, not as money's worth, but as a public and substantial testimony, that he was then and there restored to that position in the good opinion of his fellow-men, of which he had been temporarily and unjustly deprived? But to return to our illustrations.

There dwelt in Edinburgh, in the year 1721, a man named William Shaw, who followed the trade of an upholsterer. He had living with him one daughter, Catherine, who, at the time of the occurrence we are about to mention, was attached to John Lawson, a jeweller; but his addresses were discouraged by her father, who alleged that Lawson was dissipated and extravagant, and forbade him the house. The daughter continued, notwithstanding, to receive the addresses of Lawson clandestinely, until her father discovered her proceedings, and thenceforth kept her in strict confinement, and under close surveillance. A young man named Robertson, the son of a neighbour, and friend of Shaw, was the person on whom the latter desired that his daughter should bestow her affections. But she could not be induced to look favourably upon his suit, and on one evening in particular, when her father had pressed his wishes upon her with unusual force, she vehemently declared that she would prefer death to becoming the wife of a man she hated. Her father was enraged at what he considered her undutiful and foolish obstinacy, and made use of several passionate expressions, which were replied to with equal warmth, and the words "barbarity," "cruelty," and "death," were frequently pronounced by the daughter, and at last her father, in a rage, left her, locking the door after him. The room occupied by Shaw was separated only by a single partition from the adjoining apartment, in which dwelt one James Morrison, a watchcase-maker by trade. This man was at home on the evening on which the violent altercation between Shaw and his daughter occurred, and had heard, indistinctly, portions of the conversation between them,—the words we have particularized, however, and which were pronounced forcibly and emphatically, had made a particular impression upon him. The father having, as we have stated, gone out, nothing was heard for a time; but presently Morrison was alarmed by hearing groans in the room occupied by the Shaws, and calling in his neighbours, they too, on listening attentively, heard not only the groans, but the voice of Catherine Shaw, faintly exclaiming twice or thrice, "Cruel father, thou art the cause of my death!" Morrison and his companions at once hastened to the door of Shaw's room, and having knocked thereat several times without receiving any reply, a constable was procured, the door burst open, and Catherine

Shaw was discovered lying on the floor, steeped in her blood, which issued from a wound evidently inflicted with a knife which lay by her side. She yet lived, though unable to articulate, but the circumstances, combined with previous suspicions of Shaw, induced those present to ask her if she attributed her death to her father's hand, in reply to which inquiry she was only able to make a motion of her head, which was interpreted as an affirmative, and then expired. Scarcely had she ceased to breathe when her father returned, and entered the room, and seeing a number of his neighbours, together with a constable, in his apartment, he betrayed considerable confusion, which was increased to extreme agitation at the sight of his dead daughter. Suspicion, excited by his manner, at once became certainty when his shirt was observed to be stained with blood, and he was forthwith conveyed before a magistrate, and upon the depositions of the neighbours and the constable, committed for trial upon the charge of wilful murder. The evidence against him on his trial consisted of proof of frequent quarrels between himself and daughter, and in particular the violent disagreement on the night in question, and the uttering of the words "barbarity," "cruelty," "death;" his leaving her in anger, her being heard soon after to groan, and exclaim, "Cruel father, thou art the cause of my death," her being shortly after found dying of a wound evidently inflicted with the knife which lay beside her, the apparently affirmative motion of her head, and the blood with which his shirt was stained. Against this array of circumstances Shaw was unable to oppose more than his bare denial of guilt, together with his assertion that the blood on his shirt had flowed from his arm, which had been imperfectly tied after the operation of bleeding, performed some days previously. And he was accordingly found guilty, and hanged in chains, at Leith Walk, in the month of November, 1721. In the August of the following year, a person who had become the tenant of Shaw's apartments, being engaged in arranging the room in which Catherine Shaw breathed her last, lighted upon a paper folded like a letter, which had fallen into a space at one side of the chimney, and which contained these words:—"Barbarous father,—your cruelty in having put it out of my power ever to join my fate to that of the only man I could love, and tyrannically insisting upon my marrying one whom I

always hated, has made me form a resolution to put an end to my existence, which is become a burthen to me. I doubt not I shall find mercy in another world ; for sure no benevolent being can require that I should any longer live in torment to myself in this. My death I lay to your charge ; when you read this consider yourself as the inhuman wretch that plunged the murderous knife in the bosom of the unhappy—Catherine Shaw." When we mention the fact that this letter was recognised as the handwriting of her whose name was affixed to it, we have said enough to show that Shaw was the victim of circumstantial evidence. Enquiry was made. The authenticity of the letter established. The body of the unfortunate Shaw, which still swung "weltering to the parching winds" upon the gibbet on which his life had been ended, was taken down and given to his friends for decent and Christian burial ; and in token of his innocence, and as a *reparation to his slandered memory*, a pair of colours was waved over his grave. Ample reparation ! generous amende ! the arm of the law had snatched him from the midst of his projects and his labours, from the realizations of the present, and the hopes of the future, had filled his last hours with bitterness, and branded his memory with disgrace ; and having found at length that it had been too hasty to smite, it atoned for all this injustice and precipitation by waving a banner over his senseless clay !

Madame Mazel was a lady of fashion, who, in the year 1689 lived in a large house in Paris. Her establishment consisted of a valet named Le Brun, two footboys, two housemaids, a cook, and a coachman. The Abbé Poulard, her private chaplain, occupied a room in the house, as did also all the servants, except the coachman, who slept in the stable. Madame Mazel herself occupied a room, the innermost of three, opening from the grand staircase, on an upper floor. Upon Sunday, the 27th November, she went to afternoon service, accompanied by Le Brun, her valet, who having escorted her to one church went himself to another. Madame Mazel having supped with the Abbé Poulard, retired to bed about eleven at night. The key of her bed-room door was usually laid upon a chair within the room, near the door, and the maid who might happen to be last with her mistress at bed-time, was accustomed to lay the key in that place, and on leaving the room to shut the door after her, which, fastening with a spring,

could not be opened from the outside. On this night Le Brun came to the bed-room door to receive his lady's orders for the following day, and the maid having attended her mistress to bed came out of the room, the door of which immediately after was shut close by Le Brun. In the morning Le Brun went as usual to market, and having returned home was surprised to find, at 8 o'clock, that his mistress, whose usual hour of rising was 7 o'clock, had not yet risen. He again went out to his wife's lodgings, which were near the house, told her he was uneasy at not having heard his lady's bell ring, and gave her some gold, which he desired her to place in security. Returning once more to his lady's house he found the servants in much alarm, their mistress not having yet appeared, and one of them expressed his fears that she had been struck with apoplexy, or attacked by a bleeding at the nose, to which she was subject. Le Brun, however, was not satisfied to ascribe the unusual circumstances to either of these causes, but stated his conviction that something worse had happened, for that he had found the street door open the night before, after every one in the house save himself had retired to rest. The lady's son-in-law was forthwith sent for, and he also expressed his fears that the mistress of the house had been attacked by apoplexy, on which Le Brun repeated the expression of his fears, that something more dreadful had occurred, and the fact of his having found the street door open the preceding night. A locksmith was sent for, and the door of the bedroom was forced open. Le Brun entered first, ran to the bed, and after calling once or twice on his mistress, drew back the curtains and cried out, "My mistress has been murdered!" He then ran immediately to the wardrobe, or recess, in the room, in which Madame Mazel was accustomed to keep her money, and having lifted up her strong box and found it heavy, he cried out, "How is this? she has not been robbed." A surgeon having arrived the body was examined, and found to have received no less than fifty wounds, while numerous gashes upon her hands and arms showed that she had not been overcome without a considerable struggle. Upon the bed, which was drenched with blood, were found a fragment of coarse lace belonging to a cravat, together with a napkin, which had been formed into a nightcap, and which was marked with the family arms. The bell ropes were tied up, so as to be out of reach, and

in the ashes of the grate, and nearly consumed by the fire, was found a clasp knife, from which every trace of blood, if any had ever been upon it, had disappeared. Le Brun was examined, and stated, that after having received his lady's orders at her bedroom door, he had gone down stairs to the kitchen, and having sat down at the fire to warm himself he had fallen asleep, and slept, as he thought, for about an hour, and that then awaking, and going to lock the street door, he had found it open, had locked it, and taken away the key to his bedchamber. He was searched, and in his pocket was found a newly filed key, which fitted the hall door, and also the door of Madame Mazel's bedchamber. The bloody nightcap was placed upon his head, and found to be an exact fit, and these circumstances were judged sufficiently strong to warrant his committal to prison on the charge of having murdered his mistress. The view taken by his prosecutors and adopted by the public was, that he must have admitted the actual murderer into the house, a conclusion appearing warranted by his possession of the key, and it was thought that had he himself perpetrated the murder his clothes would inevitably have been stained with blood, no trace of which was found upon them; the fragment of the cravat which had been found, not corresponding with any worn by the prisoner, also favoured this presumption. When we state that Le Brun had no defence to offer to these strong circumstances, save a simple protestation of innocence, and proof of his having maintained an irreproachable character all his life, the reader will conclude that his defence availed him little. To induce him to disclose the name of his supposed accomplice, he was tortured with such severity, that he died under the infliction upon the 23rd of February, 1690.

About a month after, a man named Berry, who had been a servant in Madame Mazel's house, and dismissed about two months before the catastrophe, was arrested at Sens, upon suspicion of having been concerned in the murder, and on being searched Madame Mazel's gold watch was found upon him. On the strength of this and other concurring circumstances, he was condemned to death; and then came repentance and confession,—too late to save the life of an innocent man. His account was this:—Favoured by his knowledge of the localities, and of the habits of the household, he had, unperceived, obtained

admission into the house on the Friday preceding the murder. He reached one of the lofts at the top of the house, where he remained concealed till Sunday, subsisting on bread and apples, with which he had previously supplied himself. About eleven o'clock on Sunday, knowing that the mistress of the house was accustomed to go to Church at that hour, he stole softly down stairs, and finding her bedroom door open, he entered, and tried to conceal himself under her bed. Finding that it was too low to admit him with ease, he returned to the loft, divested himself of his coat and waistcoat, and returned to the room in his shirt, and was this time successful in introducing his person under the bed; there he remained all day, and when Madame Mazel, in the afternoon had again left the house to go to church, he came forth, threw his hat, which he found inconvenient, under the bed, and formed a nightcap out of a napkin which lay on the chair. Having tied up the bell ropes he sat down by the fire, where he continued until he heard the noise of the lady's carriage wheels in the courtyard below, when he again retreated to his hiding-place under the bed, and lay there concealed until Madame Mazel had retired for the night. After she had lain down about an hour, he came from under the bed and demanded her money, and on her attempting to cry out and ring the bell, he stabbed her repeatedly until she was dead. Having then taken the key of the wardrobe, and also of the strong box, he opened the latter, and abstracted about 600 livres, resumed his hat, leaving the nightcap which he had formed of the napkin on the bed, replaced the strong box and keys, and having thrown his knife, the instrument of the murder, into the grate, he returned to the loft and resumed his clothes; he then descended the stairs, and finding the street door only latched, he went out leaving the door open after him.

Could the executive have restored Le Brun to life, and given back to his wife and children a husband and a father, rudely torn from them in the prime of life and full vigour of health, with every disgraceful and contumelious circumstance that could further embitter the bitter pangs of death, no doubt it would have been to them a source of pure delight; but while we know that this power was denied them, would that we could feel that the example was to them, or ever since to others in a like position, who

have heard of this or had personal experience of other cases such as this, a source as it should be of temperance and moderation of opinion.

We have not space to give even an abridged account of the celebrated case of *Sieur D'Anglade*, one however as instructive as we trust are those which we have related. The offence imputed was not murder, but robbery; and never perhaps was there apparently a more convincing combination of circumstances to fasten guilt upon an innocent man. Convicted on the evidence furnished by these circumstances, a man of education, sensibility, and rank, was condemned to the galleys for nine years, his wife banished from Paris for a like period, his fortune almost exhausted by heavy fines, and his name and memory loaded with infamy. His life was spared him by the law only to be taken by the ravages of disease, generated by the misery and wretchedness of his position. Some reparation was doubtless made in the persons of his widow and daughter after his death, and the establishment of his innocence, but he was then himself as far beyond the reach of earthly consolation as if he had ended his life upon the gibbet instead of in the dungeon at Marseilles. The case will be found in the interesting series of French Trials, known as *Les Causes Célèbres*.

The story told by Gerald Griffin as an introductory episode to the "*Barber of Bantry*," is, we believe, founded on fact. Our readers will remember that it is that of two men who had been seen fighting in a field, one of whom was shortly afterwards found lying dead in the same field, a pitchfork, apparently the instrument with which the murder had been committed, being by his side. The pitchfork was recognised as belonging to the survivor, who was known to have taken it out with him on the morning in question. He was apprehended and brought to trial, and it having been established in addition to these facts, that an enmity of some standing had existed between him and the deceased, his conviction, in spite of the protestations which he made, appeared certain. The jury, nevertheless, appeared to hesitate, and after having been absent in deliberation for a considerable time, returned, and informed the court that one of their body persisted in acquitting the prisoner. Such an announcement would probably in these days be repressed as irregular, but it

appears that on this occasion the judge considered it his duty to remonstrate with the dissentient jurymen, ineffectually, however; and eventually, to avoid the probable fate of being kished, the jury agreed in a verdict of acquittal. In Griffin's story we are told that the jury was actually kished and discharged, but we rather think that they must have found a verdict of acquittal, as there would be nothing otherwise to prevent the prisoner being tried again.

Miss Landon's affecting story of Hester Malpas is doubtless known to many of our readers;—a young, innocent, warm-hearted and beautiful girl, whose parents had fallen into poverty, Hester is adopted by an elderly aunt, living in London, and takes up her abode with her accordingly. She meets one evening, while taking her accustomed walk, her lover Frank Horton, from whom she had been separated when she came to live in London. She meets him again and again, until at last her aunt making the discovery, forbids her to go out as usual, and reproaches her with undue severity for her clandestine conduct. One Sunday evening her aunt harshly desires her to go to Church, accompanied by the servant, and Hester leaves home for the purpose, but meeting her lover, a sad scene ensues between them, for he declares his regret that he had, by renewing his acquaintance with her, brought upon her her aunt's displeasure, and that he is about to quit England for a time, and to seek his fortune on the shores of America. The interview lasts until the service is nearly concluded, and Hester, unwilling to enter the church, returns home, admitting herself and lover through the back door, of which she had the key. A neighbour, an acquaintance of her aunt's, missing her from church, calls shortly after to remonstrate with the old lady on her severity towards Hester, in thus, as he supposes, confining her to the house. He is unable, after knocking, to gain admittance, when the servant, coming up, admits both by means of a latch key. She opens the parlour door to show him in there, and suddenly starts back with a violent scream. Her mistress is lying upon the floor, her skull dreadfully fractured, and life extinct. Hester is called to come at once to her aunt, but hesitates, and replies, "Not yet, not yet, I cannot bear it." The parlour window is open, but there are no traces of footsteps in the flower-plot outside; the more portable articles alone, such as spoons, the old lady's watch, and

whatever money may have been in the house, are taken off. Every thing combines to fasten suspicion on Hester; her frequent clandestine meetings with Horton in direct opposition to her aunt's injunctions, and her meeting him in particular on the evening of her aunt's murder, instead of going as she had been directed, to church; his having been seen on the same evening to quit her aunt's house in apparent haste, and her own hesitation and refusal to come down stairs when summoned by the servant—she is tried and convicted.

Miss Landon's pathos and feeling are required to complete the story in any other words than her own. The crushing intelligence of the horrible fate that had fallen on their young and lovely daughter reaches the parents when basking in the first sunshine of prosperity and happiness that had for years gleamed upon their lives. Seated in the calm summer eventide at their cottage door, they watch the gambols of their younger children, and are thinking with calm complacency of her who is far away, and to whom in a great measure they owe that tranquil happiness, when a letter is delivered, this time wanting the well-known superscription, hailed always with delight. In a moment the sunshine is darkened, and a thick veil of trouble, horror, and grief, obscures the souls of the wretched parents. We will spare the reader the painful recital. The visit of the mother to her daughter in prison, in the condemned cell—the awful night before her execution—the agony, the despair, the wild horror of her last parting. *A twelve-month after*, Hester's parents, now rich in worldly goods by the intestacy of Hester's aunt, are seated once again at their cottage door. The sun is flinging his parting rays over the scene, and gilding with a calm and mellow light every spot save those hearts into which neither joy nor sunshine shall ever enter more. Once again a post packet is delivered to the wretched father, who opens it mechanically. It is a newspaper, directed in the handwriting of a friend; a particular paragraph is marked for perusal; slowly, and without interest, the eyes of the reader are directed towards it, when, suddenly his face is lighted up with an unusual brightness,—he devours the words with eager, straining eyes, and having concluded, he sinks back overcome, upon his seat, handing the newspaper to his wife, and unable to articulate more than, "Thank God! thank God!" The newspaper contains an account of the con-

fession of a Jew, a watchmaker, who had just suffered death for a burglary, and who confessed that to his heavy catalogue of crime was to be added the murder of Mrs. Malpas, Hester's aunt. He had, he stated, entered the parlour through the open window, by means of a plank, resting on the garden railings, and reaching to the window, and thus no traces of footsteps were left to indicate his passage. With one blow he had felled and despatched the old lady, who was reading her Prayer-book, according to her custom.

We cannot conclude this part of our subject without alluding to a case which, perhaps beyond all others, furnishes the most instructive lesson,—it is that of Jonathan Bradford, who, in the year 1736, kept an inn on the road leading from London to Oxford. A gentleman named Hayes, of independent means, on his way to visit a relative, stopped at this inn, where he met with two gentlemen, also travellers, with whom he supped, and to whom, in the course of conversation he mentioned that he had with him a considerable sum of money. Supper over, all retired to rest, the two fellow-travellers in a double-bedded room adjoining that in which Mr. Hayes slept. In the middle of the night one of these gentlemen being awake, heard, as he thought, a groan, succeeded by another, and the moans of a person in extreme pain, the sounds of which appeared to issue from their neighbour's room. Having left, as was usual with him, a candle burning in the room, the gentleman awakened his companion, and both listening, distinctly heard the groans repeated. They rose softly, and proceeded towards Mr. Hayes's room, and finding the door ajar, and a light burning, they entered, and were petrified with horror at beholding the occupant of the bed weltering in his blood, and a man, armed with a knife, and holding a dark lantern, standing over him. The amazement and horror of the assassin, as he appeared to be, equalled their own, but *his* terror seemed the result of detected guilt. A moment sufficed to show the gentlemen that the murdered man was Mr. Hayes, with whom they had supped, and that the other was Jonathan Bradford, their host. Him they at once seized, and charged with the murder, which he strenuously denied, and averred that having been awakened by the groans of the murdered man, he had struck a light, armed himself with the knife for his own defence, and had entered the room but an instant

before themselves. These protestations were unheeded, he was charged, committed for trial, tried, convicted, and hanged. *Eighteen months after*, a man lying on his death-bed, and stung by remorse of conscience, confessed that he, and not Bradford, had murdered Mr. Hayes. This man had been Mr. Hayes's footman, had stabbed and robbed his master, and returned in safety to his own room, which he could have barely reached when Bradford entered that of the murdered man. Strange as is the story to this point, the conclusion is stranger still. Bradford's innocence of the act being thus established, the clergyman who had attended him after his sentence, considered himself at liberty to disclose that, though not an actual murderer, he was one in design. He had confessed to the clergyman that, tempted by the money which Mr. Hayes had incautiously mentioned at supper, as being in his possession, he had gone to the bed-room of the deceased with the same wicked purpose as the servant, and, thunderstruck to find that bloody purpose anticipated, he had, in his terror dropped his knife upon the body, and thus stained his hands and knife with the evidence of guilt.

In Cecil's 'Sixty Curious Narratives,' from which we have taken two or three of the foregoing cases, will be found others equally striking, including that of the Perrys, mother and sons, taken from Hargrave's State Trials; of Thomas Harris, executed for the murder of Morgan, of which he was wholly guiltless; of Miles, unjustly hanged for the murder of Ridley; and others equally instructive. Such examples, indeed, are pregnant with instructive warning; may we hope that they will aid the progress of enlightenment, to produce one day the merciful and wholesome result of the abrogation of capital punishment.

Our laws, indeed, in modern times, have assumed a more merciful character, and we are not shocked by monthly processions of from ten to twenty criminals on their way to execution. Many of those, too, youths convicted of comparatively venial offences.

In a volume of Gurney's Old Bailey Trials, which now lies before us, we find more than one such report as this,—

"Robert Stewart was indicted for feloniously assaulting John Batty in a field or open place near the king's highway, on the 10th of August last, and putting him in fear

and danger of his life, and taking from his person, and against his will, one pair of plated shoe-buckles, value 6d.; one pair of leather shoes, value 2s.; one corkscrew, value 5d.; one horn comb, value 7d.; a piece of silver coin called sixpence; and a copper farthing, the property of the said John Batty." And after a statement of the evidence, the report concludes, "Guilty—sentence DEATH;" the ominous word being printed in startling black-letter characters.

And again,—

"Tate Corbet was indicted for breaking and entering the dwelling house of Henry Moses, about the hour of seven in the night, on the 10th of January, with intent to steal his goods, and burglariously stealing ten pairs of leather shoes, value 30s., the property of the said Henry Moses."

The evidence is that of one George Roby, who saw the prisoner drawing out his hand with something in it, from the prosecutor's shop window, through a breach in the glass of the window, and who saw a man standing at a distance apparently watching the prisoner's movements.

The prisoner is found guilty, and sentenced to *death*, his age being stated as *twelve years*; and we are informed by a note, in the nature of a summary, of the business done, at the end of the reports for the sessions, that the sentence was duly executed.

The all important topic of tenant right, is dealt with by Mr. Heron with his usual perspicuity and ability. He writes,—

"In the British Islands the civilization of the middle and higher classes of society is unparalleled. We have a representative government, public liberty, wealth, knowledge, and the utmost facility of communication; but there is a blot upon this prosperity. That we may not speak of the pauperism of England, the agricultural peasantry of Ireland are worse clothed, worse lodged, worse fed, than any in Europe. In Ireland the recovery of the legal debt of rent alone is resisted by violence. The struggle for the possession of the land alone, of all property, causes bloodshed. The laws, then, which regulate the transfer and the cultivation of the land are most important for us to study and reform. The tenant has a natural right to enjoy the complete fruits of his labour and capital expended on the improvement of the land with the consent of the owner. This right should not be left binding in conscience upon the owner as a mere moral obligation, but is a proper right to be protected by the laws of the country, and enforced by them in case

of violation. Under the word tenant I include every occupier of land having a terminable interest. I use the word improvement to include every change effected by the tenant on the land by which the value of the land is increased on the termination of his tenancy. The first principle of legislation is to provide that the greatest number of beings may enjoy the greatest amount of good. Nor is this greatest-happiness principle as it has been termed, peculiar to jurisprudence; but it is the common object of all the arts of science. The universal experience of mankind attests that the best method to secure the greatest happiness for the community, so far as it comes within the sphere of jurisprudence, is to provide by law the greatest security for person and for property. The quotation is frequently used,

‘How small of all that human hearts endure
The part that kings or laws can cause or cure.’

But there are few sayings more erroneous than this, none more ruinous for a man, to have implanted in his mind, notwithstanding it was written by Dr. Johnson, (as it is said) and published by Goldsmith. Upon the laws of a country, upon the security for the fruits of industry which men enjoy under the laws, civilization and the progress of society most of all depend. The natural rights of man, being life, liberty, and property, the state protects him in the enjoyment of the two first, provided he is allowed perfect freedom of action, restrained only by laws, tending to promote the greatest happiness of the community. The questions relating to property and the actions which ought to vest it in the proprietor are more intricate. The word property is in very frequent use; persons speak of the rights of property, and it was well said, property has its duties as well as its rights. Yet many who use the expressions would be unable accurately to define what they mean by them. Property is the right of using. Bentham has defined it as a right conferred and protected by the law, of deriving certain advantages from the things said to belong to a person in consequence of the legal relation in which he stands towards it. It always includes permanence and exclusiveness. It implies that the use will remain permanent to the possessor, and that he will be able to exclude others from the use of that which is his property. The first point connected with property upon which persons require to have a distinct idea is, that property in civil society exists entirely by force of, and through means of, the law. It may be said that before the institution of civilized society property did exist. If a savage appropriated a fruit, he would use it, and no other would take it from him. But if the possession of the fruit depended only on the strength of the possessor, property did not yet exist. Once, however, that the neighbours agreed to support one another in the peaceable enjoyment of their individual appropriations, property

already existed in this, that its violation would be punished by the public force. The original titles to property, recognized the more fully by nations according as they advance in civilization, are occupancy and labour; one of the first principles of society, amongst uncivilized men is, that the first possessor be permitted to retain his acquisitions. But man is not destined, like the brute creatures, which live upon the earth, solely to consume its spontaneous fruits. His duty is to unite knowledge to nature, to obtain by labour the wealth from which springs material happiness, and which affords rest from toil to those who cultivate the useful arts and the advanced sciences. But if man be destined to earn his bread by the sweat of his brow, he is also naturally entitled to enjoy the fruits of that labour. And upon the security for that enjoyment does the progress of civilization depend. In the infancy of society man's natural rights to life, liberty, and property, are imperfectly recognized. Even yet the absolute rights of strangers are violated in the aggressive wars undertaken by the most polished nations. Even yet slavery disgraces civilization. Even yet the right of labour to establish property is partially denied. The labour of authors in the composition of their works is not yet held to vest the complete property in these laborious workers. The labour of tenants on the land, as yet, vests no property in them. The rights of labour are in positive law imperfectly protected. The reasons for vesting property in the occupant or in the labourer are well known. The rights of man to take possession of the gifts of nature are acknowledged. Originally no property is possessed in the rude material of the world. And the first occupant has a right to retain his possessions for three several reasons, as commonly given by jurists. In the first place, if he be protected in such possession, he is thereby spared the pain of disappointment which he would naturally feel at being deprived of those things which he had occupied before all others. Now, this suffering to him would, other things remaining the same, be a greater suffering than the pleasure derived from the acquisition would be a pleasure to others. And in legislation it is a well known principle that where we do not violate a positive natural right, we should always adopt that course which, on the whole, is productive of the greatest amount of good. In the next place the recognition of the title of occupancy prevents the personal contests which might otherwise take place between the first occupant and the successive claimants. Thirdly, the good so secured to him, acting in the character of reward, becomes a spur to the industry of others, who are led to seek for themselves similar advantages. These are the reasons given by Bentham and other Jurists. But, independent of these reasons, there is the strong natural feeling, an innate first principle, that the first occupant has a right to the possession. In time other species of property arise. Ores are worked into implements and machines, the domestic animals are reclaimed from their original savage stocks. The earth

was covered with thorns; labour has made it fertile. Man, from the unformed mass of concealed riches in the earth has wrought the precious metals—produced the abundant harvests. Industrious labour has conquered the earth and rendered it habitable for civilized man. Labour is now the principle of the primary titles to property, inasmuch as labour has increased the value of all material property in the most wonderful degree from the original rudeness of savage life. We at once see this if we compare the present value of the county of Middlesex with its value at the time when Cæsar landed in England. But the increased value has entirely arisen from the application of skilful labour to the natural materials of the entire British empire, whilst its fruits are centralized in London. The right of property arising from labour appears even better grounded than that arising from occupancy, because, though it might perhaps be contended, that the goods of the earth are originally common to all, and ought to remain so, certainly, the creator at least of property ought to be permitted solely to enjoy it. And the reasons already given for the vesting of property in the occupant, apply with much greater force to the case of the labourer. Because, in addition to the strong natural feeling of right to the result of industry, if the increased value be secured to the labourer, he is spared the pain of disappointment which would accrue from seeing another enjoy the fruits of his labours. Contests are prevented, and the reward acts as a spur to the industry of the community. Thus the same, or more forcible reasons exist, for vesting the fruits of his labour in the labourer, as for giving the first occupant the property in the spontaneous fruits of the earth. Locke has described the origin of property in a manner slightly differing from this. According to him things originally common became the property of the first occupant, not by that tacit agreement to which Grotius refers, but by virtue of the occupant's mixing with them the labour of his body, which is his own, and thus making the things themselves his own. But, although differing slightly in terms, all Jurists agree that occupancy and labour should create property to be recognized by law."

And again,—

"During the process of civilization different classes are successively emancipated, and legal protection is given to the fruits of their industry. In the Oriental nations castes were originally established in the strictest manner, from which it was impossible for those in the lowest ranks to free themselves. It was useless for those in the lowest caste to labour except for the mere purpose of subsistence, since the fruits of their labour were not secured to them. They consequently did not labour. Fortunately for Europe, only one caste was retained by the Grecian civilization,—the great caste of slavery. The early Greek philosophers advocated the system of castes, because, although perceiving that the

division of labour was necessary to the progress of society, they did not also perceive that the division of labour arose naturally and inevitably, and that there was no necessity for legislative enactment to secure it. But the Hellenic energy burst through the shackles which philosophy thus endeavoured to cast around individual freedom. Originally we find the cultivators all slaves; and consequently throughout Europe, until the Christian religion abolished slavery, the masses of the population were steeped in wretchedness, worse even than that of the South and West of Ireland at the present day. Even in this state the inherent tendency to freedom is developed. The master found it impossible to deprive his slave of the whole fruits of his toil. He secreted a portion, which finally became legally his own, under the name of *peculium*, in the civil law. In the next stage the slave becomes a serf, a villein labouring his lord's demesne, giving him the greater portion of his labour, and liable to the uncertain feudal services. The cultivators cease to be *adscripti glebæ*, but the feudal services still continue uncertain. Finally, a fixed money rent is adopted. However, the tenant cultivator is not yet completely free, for the fruits of his labour expended on the land are not yet completely his own. But the right of labour to confer property in all other cases being acknowledged, why should it be denied only in the case of the tenant of land? It may be hoped therefore that in the absence of political or social reasons to the contrary, this extension of the great principle of PROPERTY, one of the original bases of society and civilization, will speedily be adopted. Throughout all free countries persons are now permitted, with few exceptions, to devote themselves to whatever pursuits in life they please, and to enjoy in the fullest manner the fruits of industry. Property is by degrees being emancipated from every political element. The property of man in men has been abolished by those states the farthest advanced in civilization. Monopolies of all kinds are disappearing. The freedom of commerce, and the freedom of labour, are at last recognised in most instances. It remains for society to emancipate the labour of the cultivators, now personally free, and by simply vesting in them the property in the result of their labours, to permit their willing industry to be expended on the land. Behold the man who rents his acres without security for the fruits of his industry. His cabin is only half thatched, his fields are slovenly, whatever money he has is hid; it is not freely expended on the soil, for there is no certainty that he can reap the fruits of it. He is clothed in rags—he dare not even appear prosperous, lest the rent be raised. On the other hand, behold the peasant who has the consciousness of security protected by the law. This indefatigable worker waters the earth with the sweat of his brow, and obtains by labour the pacific conquest of the soil. He takes from the hours of the day all that human strength can give to industry, and the kindly earth repays his labour with interest. Civilized

society would gain much if those peasants who now have their labour only partially free, were enriched by that consciousness of property which security for its fruits would give them. Thus, arriving into the ranks of property they would be in all things more worthy citizens of a free community. Soldiers of agriculture, let them become the best guardians of public order. In England, the most advanced nation in the world, there ought to be the best institutions for all. A wealthy landed aristocracy ; a learned, laborious, and a commercial middle class, ought to be combined with an independent and prosperous peasantry, such as are found amongst the vine-dressers of Vevay, and the hardy mountaineers of Friburg and Berne."

Mr. Heron's work concludes with an account of Savigny, the great champion of the historical school of law, and one of the first of modern jurists.

The reader who carefully peruses Mr. Heron's book, can hardly fail, even if before indifferent to the subject, to become interested as he proceeds. In making laws, in framing systems of judicature and government, man is, as it were, imitating the great and universal Ruler, who, however, unlike His creature, ordereth all things sweetly, and while he is glorified by obedience, commands nothing which it is not man's interest to obey. Sublime, yet simple, comprehensive, yet clear, the law of God is immutable and perfect, the same in all ages and in all climes, exempting none from the obligation of its observance ; it is intelligible to the poorest, and forms fit subject of meditation for the highest intellect. Nor are the rise and progress of human legislation unworthy of the deep consideration of the greatest minds. The whole framework of society, security for person and property, the common weal, rests upon the system of laws, which confer liberty while repressing licentiousness, foster enterprise while discouraging rash adventure, and whilst creating and respecting titles and honours, deal with an equal hand strict justice to the titled peer and to the humble peasant.

A perfect system of human laws is not to be looked for. Not even in the speculations of the greatest jurists has any such ever been devised ; but to simplify,—to consolidate,—to harmonize,—to improve, should ever be the aim of the writer or speaker, of the jurist and the senator ; no aim nobler or higher can be sought by the widest philanthropy, none more certain in its even partial accomplishment, to confer an honourable fame, and better still, a self-approving content.

To Mr. Heron is due the merit of first assembling together, and, as it were, synopsising the labours of those who have been eminent in this great department of science. In the compass of a moderately sized volume, he has given to his readers a complete and compendious history of jurisprudence, and that in language distinguished for its nervousness, concentration, and lucidity.

A double meed of praise is due to him who, availing himself of that small interval of leisure from professional pursuits, which most men devote to relaxation and amusement, applies himself to the production of such a work as this under consideration. Important, as we have seen, in itself, the subject is one particularly suitable for the labours of a lawyer, and Mr. Heron has treated it not only as an able lawyer, but as an accomplished scholar and an acute reasoner. He has gracefully and liberally paid the debt, which every man owes to his profession, and we trust that he will go still further, and make that profession his debtor by the production of other works in the different departments of legal science.

ART. VII.—*Civil Correspondence and Memoranda of Field Marshal, Arthur, Duke of Wellington, K. G.* [Ireland.] Edited by his Son, the Duke of Wellington, K. G. London: John Murray, 1860.

THIS is a valuable and interesting publication. It comprises the correspondence of Sir Arthur Wellesley as Irish Secretary at a critical time. Appointed under the Duke of Portland's Premiership, in March, 1807, he held that post until his nomination to the command of the troops intended to check Napoleon Buonaparte in Portugal, in March, 1809, when he was succeeded in the Irish office by Mr. R. G. Dundas, afterwards Viscount Melville. He therefore held the post of Secretary to the Lord Lieutenant in Ireland precisely two years. Out of that period, however, are to be deducted two periods of absence, first, from 31st July 1807, to 30th Sept. 1807, when he took part in the expedition to Copenhagen, and

second, from 12th July, 1808, to 6th of October, 1808, when he paid his first brilliant campaigning visit to Portugal, for his successes ; during which he received the thanks and congratulations of Parliament on his return.

There is perhaps nothing more remarkable in this correspondence than the calm and business-like way in which Sir Arthur Wellesley lays down his pen, and assumes his sword when called on. He seems always at his ease, never in a flurry. He entered on his duties, whether of peace or of war, with the same fixedness of purpose, the same intense concentration, the same conscientious exactitude, descending to the minutest details, the same vigour, despatch, and regularity. From the command of a brigade on the look-out for Napoleon on the Sussex coast, he steps into Parliament in 1806, as Member for Rye, under Lord Grenville's wing. When the reins of office slipped from that nobleman's fingers, Sir Arthur Wellesley suffered himself to be translated to the Irish office with the most perfect *sang froid*. He forthwith set about the practice of the little tricks and villanies, the dispensation of the little corrupting favours, the skilful management of the "leading persons," the perfection of the general system of *espionage*, the due distribution of the repressive magisterial and military force in the country, wherever the pressure of popular passion and popular grievances was greatest, and the thousand other like offices which then, and for years after, made up the sum-total of English government in Ireland. It is curious how little the excitement of change from civil to military service had effect upon him. He took things as they came, and did his best at them all. Even when he is buckling on his soldier's toggery, to set off to Copenhagen, he has an eye on the pension list in Ireland, and has not forgotten the promises which he had made anent the same. Writing to the Lord Lieutenant, the Duke of Richmond, he reminds him that:—"Mr. M—— may have £400 per annum for his life ; Mrs. —— £400 for her life ; and Mrs. —— £400 for her life. . . . We have charges upon our next year for £400 for ——, and £500 for —— . Will you let —— and —— know of the favours you intend to confer upon them." Even as the ship's boat waits for him, he does not forget that proper and judicial place-and-favour giving in Ireland has claims on his thoughts. He writes to Lord Hawkesbury, (afterwards the Earl of Liver-

pool,) who was Home Secretary under the Portland ministry, from Sheerness, on the 31st July, 1807:—"I shall be very much obliged to you if you will urge Lord Mulgrave to make room for Lord Lecale in Ireland, by the removal of Admiral Bowen from the command of the Sea Fencibles." He has hardly had time to regain his land-legs, on his return to London, in October, when we find him making vigorous efforts to get another vote for ministers from the county of Monaghan, which is then vacant. Writing to a friend of the Government candidate, he assures Lady Clermont that "her nephew will be assisted in his views on the county so far as he and Government can help him." Again, when in July, 1808, he is about to set out for Portugal, his thoughts still fondly turn to the fulfilment of the little place-arrangements which he has entered into, doubtless for the benefit of the public, as he conceived. On the 4th July he writes to Lord Hawkesbury, recommending a Mr. Watt to his notice in London, "where," he writes, "he may be useful to you until some arrangement is made in respect to this government. He has served me with diligence and fidelity." Sir Arthur then dolefully adds, that if the patronage of Ireland then was what it had previously been, there would have been no need of remitting the faithful Mr. Watt back to London. From the Cove of Cork whence he sailed for Portugal, and where he was then waiting for the wind, he reminds the Lord Lieutenant, by way of parting word, that "Lord Thomond ought to be a Privy Councillor," and that it is very desirable "to do something for Mr. O'Meara." To Mr. Trail, who then filled the chair in Dublin Castle in which, in still darker times, Edward Cooke had planned and plotted under Lord Castlereagh's approving eye, he goes into more minute business items. To one so well up in the castle schemes of the day no great necessity for fulness of details was requisite, and so we find the epistles to Mr. Trail of a very sketchy character. A hint was enough to convey to that skilled official, how Mr. — was to be dealt with, how — was to be examined in secrecy, what pay — *alias* — should receive for his dubious services, how Lord — was to be conciliated, and this or that office was to be withheld from Lady —'s friend, without ruffling her Ladyship's feathers too much. At length the wind favours His Majesty's ship the *Donegal*, which is to bear Major-General Wellesley to the scene of his

early European victories. The open sea is reached, the pilot-boats are about heaving-off, and even then, when one would suppose the future Duke and Field-Marshal was pacing the quarter-deck, impatient to enter on his career of fame, or at all events was studying in his cabin, his field of coming action, he is in fact finishing off in a hurry a final letter to Mr. Trail! Thinking of glory and subtle plans of strategy, and the victorious burst of serried arrays and all the eloquence of battle—not a bit of it: he is thinking how the Irish Members, whom he has been “cultivating,” will “whip-up” on the next party-division at St. Stephen’s! “Off Cork, on board,” under date of 12th July, he encloses for Lord Castlereagh’s guidance a list of the absent Irish members, where they are, and who and what can coax them over when their votes are needed. As to Mr. Brownlow, “Tom Pakenham can write for him.” Dr. Dugenan, the foul-mouthed bigot, has just been made a Privy Councillor by way of a small sop to the lower-crust Orangemen, and so he will come “when Sir Charles Saxton tells him he is wanted.” Sir E. O’Brien is in a different position. “I suppose,” writes Sir Arthur, “his coming over depends on his brother getting a place.” Places *in esse* or *in posse*, not patriotism, were the load-stones which attracted at this time too many of the post-union members for Ireland to London! So the list goes on: every man ear-marked: his motives gauged and carefully put in an inventory: his price fixed to a nicety—the method of Parliamentary corruption beautifully systematized and elaborated! With all his powers of “inducing” members over to England, the Irish Secretary was loth to exercise it. He knew there was a day of reckoning. But ministers, led in the Commons by Mr. Perceval, had hard work of it. Opposition was carrying on a guerilla warfare, harassing in the extreme. Government knew not when to expect a hostile move, and so were obliged to keep the friendly benches well packed. Sir Arthur writes complainingly to the Duke of Richmond, that, while ministers insist on a full attendance, they do not think of the engagements in which they involve him. A pretty picture, truly, of the Irish Representation, when the Great Measure of the Union was carried! Irish members so little believed in an actual identity of interests between the two countries that they only voted on English questions when a proper consideration moved towards

them; as to Irish questions, saving an odd Militia Bill, a Bill for making the Police more effective, or a Bill for "more completely putting down insurrection"—save such as these there were no Irish Bills before the House! This we shall more fully see by-and-by.

But, whatever opinions may be formed of Sir Arthur Wellesley's system of administration, or his qualities for a legislator or a civil governor judged by the Irish Correspondence before us, that correspondence at all events proves him to have been a most careful and painstaking official, up in the smallest minutiae of his subject, with a complete mastery over his facts, with a memory which retained like a vice things which had once passed before him. That he entered into the corrupt practices of the time without any of that loathing which Lord Cornwallis had felt is clear as the light: that he bought and sold, when and as best he could, his own letters show; but, that he strove ever to keep his word like a man, and stood by his friends when they needed his help, that he deceived no one, made no promises which he did not intend to keep, that he had very little sympathy, and as little cruelty, in his nature,—all these we gather from the character which his unpremeditated letters give him. He was quick to discern merit, and not slow in acknowledging it. Now and then little facts peep out which seem to show that there was more of the milk of human kindness about him than the world attributed to the Iron Duke, but it must be owned that the facts are not very weighty ones. That he was not a virulent bigot, and harsh towards the Catholics as such, his letters also tell us, and there are one or two instances in his correspondence in which we find him with genuine warmth recommending to the notice of those high in power, Catholic gentlemen, whose fathers' public service in the field seemed to him to constitute a claim upon him and upon the government. He looked on the body as a class in great measure outside the pale of the constitution, and he dealt with them as they were. As Member of the Irish Parliament sitting, we believe, for Trim, he had been supposed to be favourable to Catholic claims, but then he was an "outsider;" now we find him a responsible government official. He rigorously, and as a matter of simple routine duty, dealt with things as they were, without considering whether they were precisely as they ought to be. He

was an administrator of the law—not its framer. In fact the whole tone and character of his Irish government is that of a commanding general, bound to carrying out strict rules strictly. No idea of what may possibly have seemed to him the injustice or the impolicy of the existing state of things softened his administration. The Catholics were by law in a certain position—there was an end of it. It must be said, too, for him, that he held out no false hopes, raised no false expectations. He was plain and downright. He knew what he meant to say, and said it—plainly. Plain-speaking is written on every page of his correspondence. Whether in concerting plans and arranging terms with a spy, lay or clerical, or in confabbing with the “leading Catholics,” or in higgling about the price to be paid for such-a-one’s interest, he was plain and direct.

Putting, however, out of the question the point whether his civil administration in Ireland proved him to be possessed of the qualities of a great statesman, (which we shall have further opportunity of considering,) and also the principles on which his Irish administration was carried on, it would be hardly too much to say that his letters are models of official correspondence. They are terse and vigorous. They are short, and go straight to the point, like the bullet from a Whitworth rifle well levelled. There are no introductions and endings; the case is put briefly and pointedly. There is no mistaking what was meant to be said. But with all this brevity there are marks of care and attention bestowed on the facts. His letters bear no trace of having been penned without reflection. Wherever the point in question involves details, there are the details down to the minutest necessary trifle, with a fulness and finish which show that the writer has not written without knowing what he writes about. It cannot be said that there is much elegance of style or diction—there is, however, quite enough of both. The language is good, and unmistakeably clear; it suits the subject, and serves its purpose of conveying clear thoughts clearly.

Interesting, however, as this correspondence unquestionably is, because of its illustrious author, its historic interest is greater still, as helping to light up a very troublous and dark period in Ireland’s after-Union experience. It is conversant with the state of Ireland after several years’ experience in its new position as part of a kingdom called United. It helps us to answer the question:—was the

country really united in interests and in sympathies? Had a Union in fact as well as in name been effected? Had the assent of the people, after feeling the benefits to be derived from a junction of the previously distinct representative legislative assemblies, supervened upon the Act to cure the vice of its creation? Did the people cheerfully accept, upon a closer and more practical acquaintance, a connexion which, when offered them after the fever and weakness of an unsuccessful rebellion, they had loathed and scorned? Or was the Union still, as Lord Cornwallis, albeit its most honest and humane friend, feared it would be, "a union, not with Ireland, but with a party in Ireland"? These are inquiries which in our own day are full of interest. The history of, and subsequent to the Union, is even yet imperfectly known. The present correspondence discloses a rich, but narrow mine, for the explorer of the history of the time. Its value, as the raw fibre of history, is very great. Side by side with the other correspondences which the world has now before it, there is laid bare the inner history of Ireland from the rebellion of 1798 till the end of 1809. Of those correspondences the most important are those of Lord Castlereagh, edited by his brother, and of Lord Cornwallis, edited by Mr. Charles Ross. As to all, even the gulf of more than half a century has not, it would seem, rendered unnecessary the exercise of a careful discrimination in giving and withholding. Even Mr. Ross, whose editing is in every way to be preferred to that of either of the noble editors, avows that he withholds from the public many documents, and parts of many documents, affecting the period of which the correspondence treats. It is clear that such avowals as that must affect the historic value of these correspondences. Still, making allowance for this, they are important records of the time. They may leave some things unrevealed, but they show forth enough to enable us to guess the character of that which is kept back. Lord Cornwallis' correspondence gives us a picture of the state of Ireland in the throes of the Union; we are now to see from that of Sir Arthur Wellesley the state of the country, the opinions of its people, and how it was governed in 1807-8-9. Between Lord Cornwallis' lieutenancy (during which Lord Castlereagh was Irish secretary) and that of the Duke of Richmond, (with Sir Arthur Wellesley as secretary), there had

been several changes. Upon Lord Cornwallis' resignation, in March 1801, the Earl of Hardwick was appointed; to him succeeded Earl Powis in 1805; to him the Duke of Bedford in 1806; to him the Duke of Richmond in 1807. Sir Arthur Wellesley's immediate predecessor, as Irish secretary, was Mr. Elliot.

Between the Union and the period which we are to consider, the country was cooling down from the fever heat of the Union times, and an inchoate rebellion. The Union measure was on its trial. The people looked anxiously for the benefits which were to flow from it; they had not yet made their appearance. The lords of the soil were endeavouring to recompense themselves as best they could for the loss of that power and influence they possessed when Ireland was a nation, by mopping up as much as possible of government patronage and plunder. They were carrying out of the country rents, whose acreage amount, more than once, calls forth Sir Arthur Wellesley's astonishment and indignation, and spending them in the English capital—attempting in idle pride, and with smaller rentrolls, to compete with the ampler and grander state of the English nobles. For many years before the Union, absenteeism had been a bitter drop in Ireland's cup of trials; but when the echoes of Grattan's and Plunket's voices ceased to wake that noble parliament-house near College Green, the evil was increased tenfold. Dublin became like a deserted city; trade fell off; the spirit, which,—even under a constitution that had crushed and enslaved the greater numerical part of the population—the Catholics—the people had fitfully sustained, was gone. Everywhere there was discontent—discontent chiefly amongst the Catholics. A bribe to them to support, at least not to oppose, the measure of the Union, had been offered to some of their "natural leaders," nobles and ecclesiastics. The bribe had not been paid over. There is now no doubt that Mr. Pitt and Lord Castlereagh had both promised that Catholic Emancipation should tread close on the heels of the Union. The Union was a thing accomplished; the "leading Catholics" now sought the redemption of the pledge. The body of the Catholics claimed it, not because of any corrupt compact, but as their right.

There is little doubt that in the eyes of many wise and honest men the Union was a boon to Catholics. It sub-

stituted, at least, a strong for a weak tyranny. In place of the local tyranny of the Orange owners of the soil, who were unwilling to concede the smallest rights of citizenship, which they could safely withhold from their Catholic countrymen, there was the tyranny, take it at its worst, of a strong imperial power with, it would seem, no motive to cruelty, and with the power to rule beneficently. Before the Union, doubtless, such reasoning affected many minds. But now the Union was over, where were its benefits, religious, political, social? O'Connell's first speech in public in 1800, contains the key-note of the sentiments which animated the vast majority of Catholic hearts before the Union; when that measure was carried and was found to be barren of good results, those sentiments were almost universal. "It was said," spoke Mr. O'Connell, "that the Catholics were ready to sell their country for a price. ... This was a calumny flung on the whole body—it was incumbent on the whole body to come forward and contradict it..... They will loudly declare that if their Emancipation were offered for their consent to the measure—even were Emancipation after the Union a benefit—they would reject it with prompt indignation."

Narrow and bigotted as were the views of the Protestants of the Church Establishment, and of the Presbyterians of Ulster, in regard to Catholics, community of interest, a common nationality, a recollection of the services rendered by the bulk of the Catholic body boldly and unflinchingly in opposition to the Union, would, it was not vainly or unreasonably hoped, have led to a settlement of religious differences, and in the end to a united people. Nor were Catholics without some warrant for this from the history of their own experience. The Irish parliament, bigotted as it was, had in a happy hour passed the act of 1792-3, (32 George iii. c. 21,) which gave important relief to Catholics. Why was it not to be expected that they would follow that course of legislation? It were vain, at least for the time, now to speculate on what might have been. The Union was carried. It found the Protestant gentry of the Establishment more bigotted than ever, and as eager for plunder. It found the Presbyterians touched with the principles of the United Irishmen, but yet looking with distrust and suspicion upon a society whose major part would necessarily be Catholics. It found all of one division of these Protestant parties, and no inconsiderable

portion of the other, willing, in the new state of things, to monopolize place and power, and to insist that they alone were to be trusted in the management of affairs. Above all, it found the Catholics slowly gaining, but still gaining, day by day, political power and increased intelligence, groaning under disabilities, religious and political. Socially they had no hold on the land which they tilled; politically they had no adequate representation; religiously they were not only under civil disabilities, springing from religious causes, but they were saddled with the support, out of their squalid poverty, of the pomp and easy grandeur of the clergy of a religion which they did not share. Throughout the country they were in the power, complete and almost irresponsible, of an Orange magistracy and the bitter yeomanry. This was the state of things when Sir A. Wellesley entered upon the duties of Irish Secretary. There was, in truth, little to be hoped from his party. They were, viewed with Catholic eyes, but a sorry exchange for those who had gone before them. The Duke of Portland was a bad substitute for Lord Grenville, Mr. Spencer Perceval a worse for Lord Henry Petty, the now venerable Marquis of Landsdowne. Perhaps no ministry ever undertook the duties of office upon more dishonourable terms. With the acceptance of the seals they entered into solemn covenant with Royalty itself not to do anything for relief of the Catholics. In other words, they were self-debarred from advising the crown to do that which they might come to think would be the best for the public good.

In fact, the question of Catholic Emancipation had been made a convenience of English parties for years. It was put off and on as was deemed most convenient. Mr. Pitt, indeed, was not wholly unmindful of his ante-union promises, and several times made a show of realizing them. But even he was not in earnest. When he retired in 1801, really because he found himself unequal to the maintenance of the ruinous expenditure of the war, he untruly put forward the king's refusal to emancipate the Irish Catholics as the cause. In 1804, he again took the seals of office, but without a word of stipulation on behalf of the body whom he had duped and cajoled. He sheltered himself behind the unconstitutional and wholly inadequate reason that the king's mind was firmly set against any

concession. If insufficient in 1801, it was so, too, in 1804; it was insufficient in both, and it was false in the last.*

Compared with Mr. Pitt's conduct on the question that of Lord Grenville was bold, honest, and uncompromising. He refused to join Mr. Pitt in 1804, on terms which bound ministers to silence and inaction on the Catholic question, the settlement of which had only a few years before been held out as one of the principal objects of the Union. Again, in 1807, as Prime Minister, he twice attempted to gain concessions from the narrow-minded fanatic who wore the crown, and whose reason was even then beginning to reel; and twice was he foiled in his liberal attempts. The motion of Viscount Howick, afterwards the celebrated Earl Grey, (who held under Lord Grenville the post of Secretary of State for Foreign Affairs,) to bring in a Bill, the object of which was to enable his majesty to confer military commissions on any subject whatever who had taken the oaths of allegiance, and to maintain the succession and constitution, brought on a ministerial crisis. The king was mulish; ministers were firm. They were determined they should not be mere kingly marionettes. He, on the other hand, was determined his will should rule. Ministers went out, to be succeeded by the Duke of Portland, with Lord Castlereagh and Mr. Spencer Perceval, amongst others, as his subalterns. Mr. Perceval was probably the only minister who sincerely rejoiced at the bar placed on the discussion of the Catholic question. He hated "popery" with an intensity equal to that of an Ulster Orangeman, but showed it in a more effective and less riotous manner. He was pious in his way, and so appreciated the king's scruples. Lord Brougham says of him, "Of views upon all things the most narrow, upon religious, and even political questions, the most bigotted and intolerant, his range of mental vision was confined in proportion to his ignorance on all general subjects."†

No hope to the Catholics in that quarter! Lord Castlereagh's implication in the union promises by which this and that "leading person," lay and clerical, had been induced to lend his great or small influence in favour of the Act of Union, would have induced one to hope something

* Brougham's *Statesmen of Geo. III.* vol. ii. p. 12.

† *Statesmen of Geo. III.* vol. ii. p. 67.

from him. Not a bit of it! He was no doubt favourable to Catholic emancipation. Nor could he so soon eat up his words—but he would do nothing to give effect to them. He lacked depth of conviction and sincerity upon this question. Had he had these, rightly exercised, they might with a favouring opposition—in times of peril at home and abroad—have bent the stiff resolves of the old bigot who grasped the sceptre! Small hope for the Catholics indeed; for Lord Erskine is succeeded on the woolsack by Lord Eldon, and the new keeper of the king's conscience has no love for that oppressed body, and no lack of subtle arguments wherewith to fence round his royal master's Catholic craze.

It must be said for the new Secretary that he did or said nothing to raise false expectations. He went to Ireland to hold it; and he did hold it. He at once plunged into the curious and very heterogeneous business of his department. His second official is to Lady _____ under date of 4th April, 1807, in which he endeavours to hook her ladyship's favor by the enticement of, it must be owned, a very small bait. There were some government ships to be jobbed in at Cork—will her ladyship say on whom she would desire to bestow the chance of the plunder. Her ladyship does say, but won't commit herself to Government until certain claims of a serious character, founded, as she states, on "injuries" received from one of the ministers, have been satisfied. It is clear this was not her ladyship's first essay in correspondence with a crown official. His next correspondent must be a very potent person indeed. His name occurs often in the volume. He is _____. He is assured that "Mr. S_____ shall have the legal office." "The Duke shall employ _____ as he wished..... The claim of Mr. _____ on the Peerage" is not to be denied. "The patronage of the County of _____ will be Mr. _____'s." "Mr. _____ and you will be among the number of persons to be added to the Privy Council if any." The secretary desires to "know particularly the amount you wish to have for Mr. B_____." In all like letters Sir Arthur Wellesley is equally plain; the price desired shall be paid or it shall not be paid; if yes, he says so: if not, he says so, and perhaps adds the reason why. What would be the moral effect, we wonder, if the judicious Editor had not thrown on Mr. _____ and

Lord ———, the ugly odium of so many of these little arrangements? Should any of us wince? Should any of us be obliged to blush for ancestors or kinsfolk who carried on under the able conduct of the English minister, this national game of plunder and corruption? It is curious to observe how little, in what we may call this inner official life, we find any other than the true reason put forward for this or that act or this or that claim. We see nothing in this correspondence of the "national weal," and the "people's good," and the "benefit of the country." Not a word: the game was being carried on with those who understood the whole thing perfectly. There was no use of appearing in masques. The people and the country went by the board and were not even paid the compliment of supplying a hypocritic reason or excuse for their representatives' conduct on public affairs.

Sir Arthur Wellesley's first business was of course the Election then going on; we wonder if the Secretary to the Lord Lieutenant in this year of grace includes amongst his prominent duties attention to his party's interests in counties and boroughs? We are very simple and very ignorant on such points. We know that with our author it held a first place: he did not disguise it. He went about that as about everything else he attempted—in earnest. He used the means which he hoped would be effective, and to the best of his power. His great engines of party government were money, magistracy and military. His plan of action was simple. Was Mr. Bagwell's Election in Tipperary endangered by the presence of a "Catholic mob," a party of dragoons was sent down "to protect the voters," i.e. to dragoon public opinion into silence. Was a seat wanted for a useful Tory sprig? one was at once bought for him at the price of the day. A Catholic mob is a study of interest. Its election pranks were the first weak, irregular efforts of the "riotous" and "indiscreet" Catholics, who, not understanding finesse or the backstairs of the castle, after some years experience, at Clare checkmated the British ministry. Under the date of the 28th of April, 1807, the Secretary writes to Mr. Chas. Long, a predecessor in the Irish Secretaryship, and who then held the post of Paymaster General:—

"Pennefather has promised us the refusal of Cashel; but he has not stated his terms. We shall have Athlone, I believe; but we have not yet seen Justice Day. Wynne has arranged for Sligo

with Canning ; I don't know whether it is the Secretary of State or not. Lord Portarlington is in England, and the agent who settled for that borough upon the last general election was Mr. Parnell. We have no chance with him, and it would be best to arrange the matter with Lord Portarlington. I heard here that he had sold the return for six years at the last election ; and if that should be true, of course we shall not get it now. I have written to Roden, and have desired Henry to settle with Enniskillen. The former is in Scotland, the latter in London. I have desired Lord H—— to send to Lord Charleville about Carlow. Tell Henry to make me acquainted with the price of the day.

"In respect to Counties, Falkiner and Hamilton are, I think, secure for Dublin. I don't propose to try a second member for the city. I think we should not succeed ; we should have a riot in the city for a month ; we should put Shaw to great expense, and possibly we might lose his election. In the present temper of Ireland, I consider it a great object to keep this city quiet. Lloyd will carry his election for the King's County, I believe, without opposition. Wynne has opened a little about the County of Sligo, and has thoughts of joining himself with Cooper against O'Hara. Newcomen will start for Longford, for which county I imagine Sir Thomas Fetherstone must withdraw. If we could prevail upon Lord Longford to start his brother for that county with Newcomen, we should beat out Lord Forbes.

"I conclude that Ely will come over to organize a contest in Wexford, and Kingston and Lord Longueville another in the county of Cork. By the bye, Lord Portsmouth's interest in Wexford ought to be got for Ely. Lord Waterford will try a member for Dungarvon, and will probably succeed ; Lord O'Neill one for Carrickfergus ; and I think it probable that Lord Abercorn may attempt a second for the county of Donegal. We can expect no other alteration.

"I wish that we could hear what government propose to do upon the election of a representative Peer. Lord Leitrim is very active in his canvass here, and Lord Kingston in England. If government should not support the latter, and he should persevere, we shall find it difficult to carry the election ; and you may depend upon it that if government should ever be pressed at one of these elections, they will thenceforth be expensive.

"P.S. Since writing this letter, Sir Thomas Fetherston has been with me, and he has got Lady Ross's interest in Longford, and proposes to stand ; Newcomen will stand likewise. If Lord Longford will give the disposal of his interest to us I think we shall kick out Lord Forbes : Lord Roden not to be paid for his seat."

Seven boroughs and half-a-dozen counties "done for" in that one business letter ! The system has at least the

charm of simplicity. Here is Mr. Long's appropriate reply:—

“Pay Office, Whitehall, 24 April, 1807.

“Hawkesbury's letter will of course have detained you in Dublin. The dissolution will take place on Monday next, so that you have no time to lose in making your engagements. You will of course see, as soon as you can, Pennefather respecting Cashel, Judge Day, respecting Tralee, and Hancock respecting Athlone. I believe they all sell to the best bidder. Lord Portarlington has been written to respecting that borough, but you would do well to take steps about it.

“From what I hear, the Ponsonby interest may be shaken in the county of Cork and at Dungarvon; and I understand also, if immediate steps are taken, and if Bolton or Alcock oppose Sir J. Newton at Waterford, they would succeed against him; but the latter, I believe, means to offer himself elsewhere. Mr. Lloyd brother-in-law of Sir L. Parsons, intends offering himself for the King's County, the other member (Bernard) assures me he is with us, and begs I will endeavour to get Pole's interest for him. Marsden, you know, is here. I think he might be useful in the elections; he is well disposed to us, but he has his objects, which I shall hereafter explain to you.”

Sir Arthur is anxious for a seat for himself. He cannot retain Lord Grenville's borough Rye, with that nobleman in opposition. But the Irish Secretary knows that even a seat in Parliament may be bought too dearly. He is cautious. On the 28th April, he writes to Lord Castle-reagh:

“I have written to Henry about a seat for myself. Of course I should wish not to pay much money for one; but it would be impossible to go over to stand for Ipswich.”

To his brother, mentioned in the letter just given, he writes on the following day:—(p. 22.)

“My Dear Henry,

“A man has offered me a seat for Wallingford; let me know who shall be returned for it. There may be a disappointment. Names for the following boroughs: Cashel, Tralee, Enniskillen, Athlone, possibly. A name for Athlone, in case we should have the return.

“No answer from Roden. Probable we shall return for Dundalk, a name for that borough; also for Carlow, if Lord H—— should have settled with Lord Carlow.

“Tell Lord Palmerston to give me his interest for Sligo, and desire his agent, Henry Stewart, to do as I order him.”

One would like uncommonly to know what was the (now) bland Premier's answer. He was then in his twenty-fourth year, being trained in that path of Conservative politics to which now in his old days his steps seem once again directed.

On the 11th May, 1807, (p. 43,) Sir Arthur Wellesley writes to Lord Hawkesbury in good spirits: "We are very busy, and I hope shall be tolerably successful. I have organized a contest for the Knight and I have hopes we shall bring in Colonel Crosbie instead of him. We should have a good chance if you could prevail upon Lord Headly to ask Mr. Arthur Blennerhasset to support Col. Crosbie. He must lose no time in writing to his tenants.....I also want Lord S. Chichester's interest in County Wexford for Colonel Alcock and Mr. Ram....." Again on the 12th, he writes in great glee, "we are going on well: I think we shall have 75 of the 100 Irish members." The Knight of Kerry alluded to was Mr. M. Fitzgerald who had coquetted a little with Government, but had probably proved false, so government "goes in" against him. Sir Arthur Wellesley's letter of the 13th, is calculated to put most readers into a brown study. Seventy-five out of 100 members returned from a country groaning under religious and civil disabilities to support a Government accompanied into office with a "no popery" howl. Beautifully adapted certainly was the elective system of 1807 for being duly influenced by money to defeat popular wishes. Here is a charming epistle of the date of the 24th May, 1807, to the under-secretary for the military department:—"Have you any influence over, *or could you get at*, Captain Anderson at Kilternan?... *Urge him on the ground of the Protestant interest*, and on the ground of Talbot's revolutionary speech on the first day of the election." Government is close pressed for the County of Dublin, by the popular candidate, Mr. Talbot, and the Irish Secretary does not scruple to inflame bad passions and ungrounded fears to favour his object! He failed, however; Mr. Talbot was returned. On the first June he writes in no good humour about the election for Tipperary:—"The Catholic mobs have endeavoured to prevent the voters of Mr. Bagwell from going to the poll. But they have not done much mischief of any other description; and parties of dragoons have gone out to protect the freeholders on their journey to give their votes"!

The Irish Secretary, Irishman as he was, was astonished at the spirit and audacity of the enslaved papists. But there they were nevertheless, irregular and riotous, but still a power in the country soon to be a greater. Doubtless many pious persons amongst their own body were shocked at their proceedings and deprecated acts, so unloyal, so illegal, so calculated to embarrass the friends of the Catholic cause, according to their genteel ideas. Alas! Mr. Bagwell came to grief! Sir Arthur writes on 3rd of June to Lord Hawkesbury in a very desponding way:—"There never was anything equal to the violence of the Priests, and of the whole Roman Catholic Body in the county of Tipperary... Bagwell was supported by the whole property of the county; but in this contest property has had no weight." The Mr. Bagwell in these days is wiser in his generation than his ancestor the Mr. Bagwell in that: the cultivation of priests and people, is now-a-days resorted to as a makeup for dubious sincerity and questionable politics.

At length the elections are over. Sir Arthur feels that he has done his duty and he is content. The whipping his friends over to London is the next point. Travelling was not then what it is now. Dublin was as far from London as Vienna is from London at the present day. Not that the members whom Government had forced in were reluctant to go over to London. But why go there without a consideration? Why go there unless some comfortable sinecure enabled the Irish representative to maintain the social dignity of his position? So argued many of the Secretary's successful candidates. It is no exaggeration to say that by far the major part of this correspondence is composed of letters purely conversant with the distribution of the petty favours and places as rewards for party votes and services. Nor was Sir Arthur quite free from a petty spitefulness in his place-giving transactions. Writing on the 22nd June (p. 89) he says: "It had come Mr. ——'s turn, according to custom, to be appointed gauger; but he was a violent opponent of Mr. Croker's at Downpatrick, who made it a particular request that —— might not receive his appointment."

In July 1807, Sir Arthur Wellesley left for Copenhagen: but he must first substitute a vote for ministers in place of his own. See with what beautiful simplicity the thing is done!

" London, 11 July, 1807.

" To James Trail, Esq.

" My dear Sir, I propose to vacate my seat for Tralee this day, and to move for a new writ for that Borough; and request you to desire Mr. Justice Day to have Evan Foulkes, Esq., of Southampton Street, London, returned for that Borough. I request you also to desire Mr. Justice Day, Mr. Handcock, and Mr. Pennefather, to draw upon Messrs. Drummond, Charing Cross, London, for £5000 British, cash at ten days sight. This is as good as cash, but it will be very convenient to us here if you can delay to give them these directions.

" Ever, my dear Sir,

" Yours most sincerely,

" ARTHUR WELLESLEY."

" P.S.—Evan Foulkes, Esq., of Southampton Street, London, to be the Member for Tralee."—(p. 109).

Certainly pocket boroughs had much to recommend them: they saved so much trouble: there were no popular fuss and feathers: all quiet, business-like, and entirely unconstitutional! Writing on the 16th of the same month to Mr. Trail, he says:—"The writ for Athlone was moved for last night, and I will by express to-morrow, let you know the name of the gentleman to be returned for that borough." Writing to Dr. O'Beirne, the pervert Bishop of Meath, in November 1807, he deplores his want of money to do all the good to government which he would desire to do. "But you," he says, "who have had your share in the conduct of this government, must be aware of the deficiency of the great means *money*, for services of this description." Still whenever money was wanted to meet the claims of some borough-monger, the cash was always forthcoming. Writing to the Protestant Bishop of Derry in Jan. 1809, he says:—(p. 537) "My Brother says 3000 guineas is the highest sum which could be got for the seat at Dungannon." Even episcopal lawn dabbled in election puddles in those days! Who knows whether it keeps quite out of the gutter yet? Wait half a century. Between Dungannon and Wakefield or Gloucester, after all, the comparison is rather in favour of the first. The corruption was there confined to one individual. The voters had got no independence in fact to sell. Writing subsequently to Viscount Northland on the 24th February, (p. 584) he informs him that "the sum of 3000 guineas is lodged in Coutt's bank in the names of John

Forbes, Esq., and Claude Scott, which will be paid in fourteen sitting days after Mr. Scott will be returned to Parliament, to order of your Lordship." How discreet—"fourteen sitting days," that being, we presume, the period in which an awkward petition against his return might peep up to blight Mr. Scott's Parliamentary prospects.

Here is another election letter which we cannot withhold. It is interesting in itself, but more interesting as having reference to an individual then beginning political life, but destined to be famous in his day. It is written by the Secretary to Sir Charles Saxton, (p. 619):—

"London, 25th March, 1809.

"My dear Sir Charles,

"I have moved for a new writ for the city of Cashel in the room of Mr. Quintin Dick, and I shall be obliged to you if you will let Mr. Pennefather know that the person whom I wish should be returned is Mr. Peel. I will let you know his Christian name by express to-morrow. We wish to have him returned by the meeting of parliament after the recess.

"Ever yours most truly,

"ARTHUR WELLESLEY."

Behold the future Sir Robert Peel making his first bow to the political world!

But the Secretary's labours were not bestowed entirely on the lower house. He had an eye on the Lords too. He did the best stroke of business he could for his party with the Representative Peers. When he could not gain a noble vote, he was skilful in silencing its adverse use. Writing to Lord Hawkesbury, he conveys the pleasing news to government ears that he made "all right," as to the twenty ministerial Peers, and of the six opposition Peers four "will not attend." In fact the Irish Secretary went in for his party with all the zeal and vigour which belonged to him. No one ever made more skilful use for party purposes of public patronage, and it may be added no one ever made a little place go further than he did. But how about the people?—how about the public peace and prosperity of the country? After all, party scheming and juggling, are not, or should not be, all the duty of an Irish minister. A glance will enable us to see the state of the country: to trace the prevailing disturbances to their causes: to judge how little Sir A. Wellesley did, by wholesome legislation, to remove those causes. From

north to south Ireland was in a state of ferment. Secret societies abounded everywhere. Secret societies whose aim was to give effect to French aid in Ireland: and secret societies too, which sprung up on the pressure of local grievances here and there, and which, proposing to their members no clear and definite aims, were the irregular and lawless expression of the profound discontent of the people. Many of those societies were a rude combination for defence against the illbridled power of a fierce yeomanry: many had resistance to tithe payments as their object: many owed their existence to the harsh edicts of rapacious landlords, whose agents were crushing the hearts of the people. Diligently were the land agents working away at the formation of that Gordian Knot which Sir John Romilly's legislative sword was in our own day destined to cut! Than Wellesley no one knew more clearly the villany of the landlord rule. Writing to Mr. Perceval on the 6th of November, 1807 (p. 162), he says, when recommending some modification of the tithe system:—"Tithes are not the real grievance. Exorbitant rents are more heavily felt." Again, writing on the 22nd April, 1808, (p. 403), to Lord Hawkesbury, he says:—"The disturbances...are in some degree to be attributed...to the oppression of their landlords, principally the resident gentry of the country, in the demand of exorbitant rents for land, and in the payment of low wages for labour." He expresses an opinion stronger still in writing to one of the under-secretaries on the 31st October, 1808, (p. 479) in reference to a disturbance in Meath:

"It appears to be nothing more than an act of personal malice and revenge, because the person on whom it has been committed has taken the lands which were before held by another. Acts of this description, for the same reason, are so common in Ireland, that they are no longer matter of astonishment. *It is only surprising that the Proprietors who have land to let do not pay some attention to the claims and interests of the former occupier; and that if they should fail in this duty they should find any one willing to take their lands.* But such is the demand for land in this country, I believe any that might be out of lease would be taken, even though possession should be acquired and kept at the risk of the occupier's life."

There is no doubt, however, that the society which Sir Arthur most dreaded was that whose sympathies were with the invasion of the French, which was then thought

to be impending. Nor is there any doubt that the great bulk of the people did look from the degradation in which they were, with longing eyes to that man

“Who late afar

Shook the astonished nations with his might.”

The Secretary certainly exaggerates the feelings of the Catholic portion of the people, when he says that Napoleon's treatment of the Pope was only laughed at and did not lessen the admiration of the people for him. On the other hand, it is beyond doubt, that their misery was so complete; their condition so hopeless, that they looked eagerly for any deliverer, and that the political regard in which they held Napoleon, far outweighed any objection which they may perhaps have conceived against him on religious grounds. To meet that danger, there was a spy-system, which had its ramifications in all parts of the country, and in all grades of its people. Amongst the most frequently mentioned are a “Priest,” whether English or Irish is not said, and a “Scotch Priest” who appears to have followed the scent of the pro-French Conspirators with a zeal which more than once calls for the Secretary's warm commendation. The Irish office was quite *au fait* to all that was going on. There is little doubt that the nonfulfilment of the Union pledges on the subject of Catholic emancipation, followed by the tangible suffering which that measure entailed on the country by lessening its trade, increasing its burthens, and stimulating absenteeism, sent many to the ranks of those who looked for foreign deliverance from the grievances they endured. That Sir Arthur Wellesley felt the peril of the times his acts shew. He planned a mode of fortifications which has not received much favour: he planned exchanges between the English and Irish militia regiments: he made the police system in the towns more complete. He did everything, in fine, which he could to fortify the country in *the interest of the governing power against the people within and invaders from without*. He perhaps feared the former more than the latter. One of his frequent complaints is, that the European necessities of the government drained from Ireland too many of the regular soldiery. Writing to Lord Hawkesbury on the 3rd of May, 1808 (p. 409), he urges the dangerous state of the country: he says:—“I have frequently mentioned to you

the general unpopularity of the Union in Ireland. The dislike of it is certainly increasing." Nor did the Secretary rely merely on his spy-system and his armed power, to keep down the spread of what he conceived to be dangerous ideas. When the Tithe meetings seemed likely to mean anything in earnest, or to embarrass the government, if he could not stop discussion on the plea that the public peace required it, he got his agents to take part in the frothy speech making, and abate the stiff character of the resolutions. Mr. Birch lived in those days as well as before and after them. The Secretary understood the value of a free press—kept well under thumb. His correspondence shows that Lord Clarendon's policy, in which the *World* newspaper filled so large a part, was not original. His lordship only took a leaf out of the present correspondence. One of Sir Arthur Wellesley's last cares when going abroad, was to impress on the temporary holder of his official pen, how the papers were to be managed. On the 10th April, 1809, he writes to Sir Charles Saxton (p. 647), thus:—

"Portsmouth, 10th April, 1809.

"My dear Sir Charles,

"I enclose a letter which I have received from the Editor of the *Freeman's Journal*, which recalls to my mind the measures which I had in contemplation in respect to newspapers in Ireland. It is quite impossible to leave them entirely to themselves; and we have probably carried our reforms in respect to publishing proclamations as far as they will go, excepting only that we might strike off from the list of those permitted to publish proclamations, the newspapers, both in town and country, which have the least extensive circulation, and which depend, I believe, entirely upon the money received on account of proclamations. I am one of those, however, who think that it will be very dangerous to allow the press in Ireland to take care of itself, particularly as it has so long been in leading strings. I would, therefore, recommend, that in proportion as you will diminish the profits of the better kind of newspapers, such as the *Correspondent* and the *Freeman's Journal*, and some others of that class, on account of proclamations, you should increase the sum they are allowed to charge on account of advertisements and other publications. It is absolutely necessary, however, we keep the charges within ten thousand pounds per annum, voted by parliament, which probably may easily be done when some newspapers will cease to publish proclamations, and the whole will receive a reduced sum on that account, even though some increase on account of advertisements to the accounts of

some. It will also be very necessary that the account of this money should be of a description always to be produced before Parliament.

“Ever yours,

“ARTHUR WELLESLEY.”

But, beyond this elaborate machinery of government, made up chiefly of spies, a subsidised press, and a partizan magistracy, the statute law under which the government then was carried on proves the stiff, inexorable iron policy of which Sir Arthur was the instrument and the exponent. We have dipped into one of the bulky volumes of the Acts of the period, and we find under the 47 Geo. III. sec. ii. c. 13. which received the royal assent during our author's term of office, in August, 1807, a code of laws then ruling the country in the presence of which it were idle to speak of public or private liberty. A more complete system of legal tyranny than it discloses it would be difficult to conceive. Amongst its provisions is one enabling the magistrates, without information, to arrest any person whom they may consider a “sojourning stranger,” and cause him to be imprisoned and examined. A meeting of seven magistrates might at once cause any district to be proclaimed, the consequences of which step were something appalling: the inhabitants were not to go abroad between sunset and sunrise; persons found abroad at night were to be tried as “idle and disorderly” persons; if found guilty they were to be peremptorily transported (not merely liable to be transported,) for seven years. In order to take away from the people any chance of redress for any illegalities committed against them, actions were to be brought within six months, and if unsuccessful, plaintiff was mulcted in treble costs. The 17th sec. contained a power more arbitrary and oppressive still. It enabled a magistrate to demand admission, or to warrant any person to demand admission, into any house after sunset and before sunrise, without any allegation or proof of crime, committed or impending, and if refused admission, or if admission not given “in a reasonable time,” to break in by force, and any person absent was liable to be punished as an “idle and disorderly” person. Side by side with such an enactment as this Lord Chatham's eloquent burst about the “poor man's house—the poor man's castle,” reads very like a burlesque—a satire. Hear the noble lord:

"The poorest man in his cottage may bid defiance to all the forces of the crown. It may be frail—the roof may shake, the wind may blow through it, the storm may enter; but the King of England dare not enter! All his force dares not cross the threshold of that ruined tenement." We have referred to the debate on this clause in Parliament, and we find some humane members sought to substitute "ten minutes" for "reasonable time," but they were stigmatised as "fritterers" of the public time, and even ten minutes "law" was not given to the Irish cottier! It seems difficult to conceive any state of things in which such a law would not add fuel to the fierce flame of discontent—any state of things in which it could serve any good purpose.

At all events one looks with reasonable expectation for a policy of humane and wise legislation, which may remove the cause and occasion of such abnormal laws. In the present instance one looks in vain. Even in the case of Catholic Emancipation the ministers refused to listen to arguments on the subject: meetings were repressed, or if irrepressible, instructed speakers figured on the occasion: the chief Catholics were now and then favoured with a private audience in the secretary's ante-room, and came away as they went: petitions to Parliament were kept back, or if presented were refused a hearing on technical grounds. Thus was the opportunity of making an important step towards conciliating so large a body thrown away. It is perhaps doubtful whether Catholic Emancipation on the terms which would have been then, perhaps successfully, tacked to it was not better withheld. Lay Catholics might have been free to follow all avenues to public employment and fame, but the Bishops of the Irish Church might have been made an appanage to the English Government—the general body of the clergy might have been (as no doubt Lord Castlereagh and Mr. Pitt hoped they might one day be,) under state-pay, and with it under state-control. The Catholics were then in a transition state. John Keogh felt the pressure of years upon him, and had lost much of his old spirit and energy. O'Connell staggered under the weight of a big brief-bag in the Four Courts, and was as yet thinking more of forensic than of political fame. Lord Fingall was usually put forward as leader. Early in Sir Arthur Wellesley's *Correspondence* we find signs of difference, fomented of course by government, between the

Catholics and their friends. Mr. Grattan even was averse to a present move. Mr. Plunket, who had not then resigned his post of Attorney-General, conferred by Lord Grenville, also disapproved of present action. The Catholics, however, were preparing, and several meetings were held. On 24th April, 1807, Lord Fingall had an interview with the new Secretary. Here is the substance of Sir Arthur's Official Report of it:

"Memorandum—Lord Fingall.

"26th April, 1807.

"Lord Fingall called upon me on the 24th at his own desire. He said that he came to inform me that he had reason to believe, from information which he had received in the country, that a treasonable correspondence was carried on by a person in the city of Dublin, by the name of —, with Arthur O'Connor, and other persons at Paris. I told him that I was much obliged to him for the intelligence, and that I should communicate it to the Lord Lieutenant, who, I was certain, would be equally grateful. I then turned the conversation to the communication which he had had with the Duke of Richmond, some days before, and said I hoped it had been satisfactory to him, and that he had never entertained a doubt that when the government was entrusted to such persons it would be administered with kindness and liberality towards all descriptions of persons placed under it.

"I then told him that he was not to expect any farther concession; that the present government were determined not to recommend any to the parliament; but that the existing laws would be administered with mildness and good temper; and that the Roman Catholics would be considered by the government in all arrangements in which the law allowed that they should be considered in the same manner as the rest of His Majesty's subjects, according to their respective merits and claims.

"Lord Fingall said there was no doubt whatever that the Union had not produced to Ireland all the benefits which even the least sanguine friends of that measure had expected; and that the city of Dublin in particular, which all had expected would suffer from it, had suffered from it considerably. He said that it was natural for the inhabitants of the city to feel a considerable degree of irritation upon every public question, and that they should look for advantages to compensate for their losses wherever they should think they could find them. However, that the questions which had been lately agitated were no longer under consideration; and that it would depend upon circumstances whether they would be brought forward again next year or not.

"In answer, I said it was not necessary that I should consider whether the advantages which had been lately sought by the

Roman Catholics, were held out to them or not at the time of the discussions on the Union; all that I had to press upon him was, that there was no prospect of success; that the Parliament of England, as far as I had any knowledge of the sentiments of persons in that country, were by a vast majority decidedly adverse to any farther concession; and that it was a question of prudence with those who advised and led the measures of the Roman Catholics, whether they ought to persevere in pressing their objects into discussion under such circumstances. I said that former governments might have felt some embarrassment from the discussion of these questions, because the leading persons composing them had been pledged upon these; and they had very naturally been desirous to avoid the discussion, seeing the difficulties which opposed the attainment of the Catholic objects, and had entered into very active negotiations with the Catholics, to induce them to refrain from bringing forward their petitions at different meetings. I then pointed out the situation in which the existing administration stood in respect to the Catholic question, the line which the different members of it had taken upon it, and the indifference which each of them felt, whether the question was brought forward or not. I said, all they felt any anxiety about was the tranquillity of Ireland, which might be affected by the discussions here and in England, a subject upon which I was convinced that he (Lord Fingall) and the principal Catholic gentlemen were equally anxious. But I observed that this anxiety would not induce us to enter upon any negotiation to stop the discussion of the question, which must be left entirely to their own discretion.

"Lord Fingall said that he was not always able to act upon these subjects as he wished, or as he thought most advantageous for the public, or even for the cause which he had adopted; that he had explained to Mr. Pitt that he had placed himself at the head of the Catholics of Ireland in order to prevent them from falling into the hands of more violent men; but that he was not always able to guide them, and in order to retain any influence over them, he was frequently obliged to adopt measures which were imprudent, and of which he disapproved. This being the case, he said that he could not be certain what would be done next year, and could not say anything upon the subject."

A mild and sufficiently humble representation certainly. The new secretary, however, was not to be easily caught, and so Lord Fingall got fair words and went his way. Still the masses moving and discontented on grounds social, political, and religious, kept hammering at the door of parliament. The unsafe condition of the country, chiefly unsafe because of the fact that the English government had left to the Irish people little to care for and little

to defend, was the thorn in the secretary's side. Troops he wanted, but troops he could not get. He feared a repetition of 1779—1782. Still in vain did the Catholics keep knocking at the door. Even at this time we find Sir Arthur Wellesley advising against concession. Writing to Mr. Perceval on the 6th November, 1807, (p. 162) he backs up that narrow-minded minister's false plea that a concession then would be argued on as a concession to force. "I agree," he says, "entirely in opinion with you respecting the inexpediency of making any concession to this country in consequence of the turbulence and disturbances of the moment." Sore against his will was the stiff-necked old soldier years after obliged to do that from necessity which, if yielded in time, might have been given and taken as a recognition of what justice demanded. When, in August 1807, Mr. Sheridan made his motion for a Committee of Enquiry into the state of Ireland, and supported it in a speech which, from the completeness of its logic, its politic tone, and the rich warm glow of its eloquence, must stand amongst the first of his greatest efforts. Ministers were still sulky and averse to any just treatment of Ireland. The great orator summed up Irish grievances as mainly arising from the state of the land laws, from the oppressive character of the tithe system, and from the religious and political disabilities under which the great mass of the people laboured. He admitted that Sir A. Wellesley had been civil to all classes and all religious denominations. Nay, he admitted that he was friendly to the leading Catholics, and desired to employ them under government. But that he argued was no popular boon. It did not make heavy rents less oppressive; an ascendant yeomanry and Orange magistracy less tyrannical; the laws throughout the land more cared for and respected. On this point he said:—

"What ministers ultimately meant to do with respect to Ireland is really difficult to divine. They promise to be sure to restore the constitution and to do many other things; but the people of Ireland know by whom the promise is made. They remember those who promised so much at the time of the Union, and never kept their word in any one point—no, not one.....The measure of redress in Ireland should be commenced at the cottage instead of at the park or the mansion. To have gone to the higher Catholics.....would rather have served to aggravate discontent, as it might have been construed into a design to divide the interests of

the Catholics. Sure I am, that with a view to serve or conciliate the Catholic population, I mean the poor, the peasantry, its effect would have been nothing; indeed it would be quite a mockery. It would be like dressing the topmasts of a ship when there were ten feet of water in the hold; or putting a laced hat on a man who had not a shoe to his foot! The place to set out with in Ireland for the relief of the people is the cottage."

No! government was obstinate—not even the miserable gratification of whining out their grievances before a committee of an English House of Commons could be permitted to the Irish people. Again, when in May 1808, the Catholic Petition had, after many repulses, fought its way to a discussion in the Commons, ministers in full force, Mr. Perceval, Mr. Canning, and even Lord Castlereagh, opposed the liberal and politic reasoning of Mr. Grattan and of Lord Henry Petty. The Lords followed the lead which ministerial supporters in the Commons had given them, and did all they could to demonstrate to the Catholics of the empire that from the justice of the ruling powers they had nothing to expect; that constitutional demands constitutionally preferred required different arguments to gain their concession than reason and humanity. The government had not even a scheme of reform for Ireland; in fact, it is true to say that the Irish secretary perfected no one measure which affected the general weal of the people. His tithe modification scheme, by which he proposed to enable the tithe owners to grant leases of the tithes for twenty-one years to the owners of the land, such leases to be without fines, is the only measure affecting a matter of very general concern which he even sketched out. He did a little for canal navigation; he assisted in the improvement of Howth Harbour; he recommended a small increase in the Maynooth grant, while opposition was ready to concede a much greater, and so voted. But he was fruitful in bills of another order. He was great in inserting crushing clauses in the Mutiny bills. Insurrection acts without end he indulged in. In ingenious contrivances for raising militia he was plentiful. He had bowels of compassion for the Protestant clergy, and passed laws to promote the building of houses for that comfortable body, and the erection of churches destined to be empty. He was bounteous, too, to the Protestant schools in which was taught a catechism so strongly calculated to spread party discord amongst the religious bodies in the country,

that on notice in the house, *malgre* Dr. Dingenan's defence of it, it was ignominiously withdrawn.

But Sir A. Wellesley's government in Ireland had its merits as it had its grievous faults. Those faults were rather of omission than of commission. His rule bore too much the nature of a military command in a newly conquered country. But he showed no petty bigotry against the Catholic body, and did not strive, as the law gave him ample power to do, were he so minded, to harass and annoy them. He did not suffer himself to be led by the savage councils of the Orange supporters of the government, and in no one instance was he betrayed into cruelty towards that oppressed body. But one looks in vain in his administration for any signs of a great and magnanimous policy. He was not up to his opportunity; he lost a grand chance for a great experiment of conciliation. His policy was to repress rather than to redress. He was content to keep down the active signs of discontent; he did not strive vigorously to remove its cause. There was a want of breadth about his policy. He governed with no foresight, but for the day and in the interest of his party. He made no effort to weld the different elements which composed the Irish people into one body, compact, and united in name and interest. He rather fanned the flame of religious discord. He did not do one act, or utter one word, to inculcate on the Irish people the noble lesson:—

“No matter that at different shrines
They prayed unto one God;
No matter that at different times
Their fathers won the sod;
In fortune and in fame they're bound,
In stronger links than steel;
And neither could be safe or sound
But in the other's weal,”

Nor, on the other hand, was his policy pointed to make that union with England, which Lord Castlereagh had wickedly consummated by the act of a blind, bad parliament, a union, in fact, in feeling, in interest. The Irish people then stood out as distinct as ever, a separate body, and they were so treated. He dealt with them like a subdued, an alien people. When concession did come it came not as a pledge of humane and beneficent policy. To the receivers it was an admission of growing strength: from

the givers it came with a grudge, for it was an admission of growing weakness. It had lost much of its virtue. It failed to conciliate. It were needless to say that the errors of Sir Arthur Wellesley's administration have not been uncommon in the history of the government of Ireland. They have steadfastly followed and marked, with few notable exceptions, the current of its history. They have taught the lesson fruitful of distrust, and deep seated disaffection, that concessions to Ireland are concessions made not from a sense of right and justice, but yielded to necessity. That very wretched policy has left much to do and much to undo, a fact which even in our own days points with grave significance to the moral to be gathered from Sir Arthur Wellesley's Irish correspondence. It is a moral worth the consideration of all whom it concerns as powers that be in the days we live in.

ART. VIII.—*Evenings on the Thames; or, Serene Hours and what they require.* By Kenelm H. Digby, Esq. London: Longman, 1860.

WE have seldom met with a work which more completely realized the expectations which its title led us to form, than the one before us. We could hardly fancy a more suitable companion for the "serene hours" which the author advocates; suggestive of thought, harmonious in spirit, and in expression soft, light, and genial. Although much amplified, the original idea is very simple. The author seeks to apprehend, to fix before the mind's eye the subtle essence of happiness, the best which this world has to give; that which youth in all ages, and of every class, has delighted in; that which the world-wearied man, if untainted in heart, has most gladly fallen back upon. Simple as this may appear in theory, it is not easy of execution. To teach us the full zest of enjoyment to be found in the "common things" by which we are surrounded, is in itself difficult; to how many they are absolutely indifferent; never noticed but when lost; to how many again they are trivial, wearisome, distasteful, so as always to require re-fashioning and disguising before they can be even palatable. In a thousand different ways, poets

have felt, and moralists have deplored the artificiality of the character to which simple pleasures are no pleasure at all. Whether it arise from the corroding presence of evil, or the absence of sweet natural qualities, it has always been considered a symptom of "something wrong," when man was not in harmony with the 'daily bread,' the homely enjoyments which a bounteous Providence has scattered so profusely for his use. But we must not moralize upon our own sore, nor must we seek to condense into a few words the "large thought" which our author has so profusely and so happily illustrated. Very happily, we think; for what could better fulfil all the conditions of his subject than the River Thames? Out door life and hardy exercise, freedom from control and from ceremony, sweet home-like scenery, a pleasant alternation of solitude and of the company of cheerful, honest, unassuming holiday-makers;—the harmless adventure and the cheap, well-earned refreshment; all these requisites for simple pleasures were to be found upon the river Thames, where thousands daily enjoy them, and few more, we doubt not, than the author himself: * accordingly, his "eight-oared boat" is a great part of his subject. He assembles his characters, dismissing all who cannot enjoy the row, or let others do so. Who, then must be the companions suitable for a long afternoon upon the River? men, with real work to do, which shall give a motive and a zést to relaxation, not too much engrossed by the world's pursuits to take it with an easy mind, prepared to enjoy their holiday with boyish elasticity; and with such qualities of mind, that the gloss shall not easily wear off, from the pleasure of their companionship. The author has set himself to describe, rather than to make us acquainted with such men, and with such states of mind, by innumerable delicate and poetic touches to which we cannot do justice except by extracts. Perhaps as comprehensive a one as we could find is the following description of Englishmen, found in a manuscript of the 17th century, now in the royal library at Brussels:

"Here is no extravagant or faultless portrait, but it is a natural

* Alas! while we correct this notice, how sadly is our nearly forty years friend and spiritual benefactor struck down by the heaviest of earthly calamities. May *she* rest in peace! May *he* be comforted!

likeness, and notwithstanding the defects that are acknowledged, not to say because of them, I think you will feel disposed to admit that such a people in their collective capacity, irrespective of their modern institutions, forgetting their 'press,' and let the coldness and pride of a few be ever so great, are very loveable.

"After observing that generally the Italians are cautious and civil, the Spaniards haughty and grave, the French prompt and light, the Dutch jealous and slow, this curious observer adds, 'that the English are generally of no one nature, or humour, or custom, and consequently not to be comprised within one rule; but they walk by several ways, as if they all were almost of several nations. For you shall find thousands of them who love the sober, and as many who love the giddy way. Some love the gravity and state of the Spaniard; some the reservedness and cleanliness of the Italian; some the levity and alacrity of the French; and some the slowness and jealousy of the Dutch; and many, in a word, are prodigal, many miserable, many confident, many jealous; as if there were not only no sons of the same mother, but not so much as men of the same nation. The English nation abounds much with a kind of great ingenuous simplicity and goodness of nature; and it makes itself appear very easily in them from the mind into the body. I take it they possess natural virtue, or rather inclination of nature, in a very high degree; for which they well deserve both love and praise. For of all nations in this world, I think really they are the fullest of compassion. They are exclusive, however,' he adds, 'in their admiration. If some Englishman will follow the court, he thinks presently he were to be damned if even he should spend a month in the country. And if another should have set up a pack of dogs, or come once to keep a cast or two of hawks in the country, or else, if he be wont to meet weekly with his neighbours at some bowling-green near his next market-town,—he presently falls to pity the great men at court, instead of envying them; and he would not for the whole world even become a bed-chamber man to the king. With respect to their inconstancy, I think that it is not final in respect of any object. I mean, they do not usually pitch and fix irremovably upon a change; but if they go, they come again, and so have many turns and returus; wherein, indeed, they do but show themselves to be men a little more than perhaps some others do. For man is created in this life to consist, as St. Austin saith, of disagreements and reconciliations, that is, of varieties and vicissitudes, by the continual use of free-will, according to his own pleasure or humour; whereas the angels were all created with an intention in Almighty God to establish and fasten them for ever according to that election which they would make by that one first single act which their free-will should produce. But since men are made changeable by their very nature of being men, I hold it for a vain and false and foolish affectation of pride for any one to affirm that naturally he delights not in any change of some

kind or other. For such persons would fain make us think that they are rather angels than men : whereas, indeed, herein they are not so much men as they are beasts ; for they know not the first ground of their own creation.' 'My Lord of Bristol,' he then adds, alluding to the ancestor of one of our crew, whose words are the more noticeable as coming from a convert to the ancient faith, 'was thus saying once to me, and it was in Flanders, 'You and I have spent many years in seeing many parts of the world, but yet there is one fruit that grows in your country and mine with which we never met any where else.' I asked him what that might be, and he bade me guess. I thought he had meant of some real fruit ; and so I fell to speak first to him of damsons, and wardens, and afterwards of pearmain ; for I had never seen any of these abroad. 'I will take you off from the rack,' said my lord, 'for it is none of these, nor any thing like them ; but it a certain fruit called good-nature, which grows no where but in England, or at least I never met with it but there.' I said so too, and I say so still. Others have great virtues, as well as we ; but we have good-nature much more than they. And the professing of this truth shall be the end of this character."—pp. 338-40.

We object to the headings of the chapters,—“To the Lock at Teddington. Subject: That an absence of worldliness is requisite for the enjoyment of serene hours.” “To Eton Meadows. Subject: That a recognition of the Supremacy of mind is conducive to the same object”—and so on. There is something of bathos in this which makes one smile ; moreover it suggests a certain ‘ponderosity’ which really is not the character of the book.

Yet we must refer to these ‘headings’ to show the author’s idea, which, indeed, once suggested, becomes obvious to every one’s mind, who is capable of following it at all. In the first place, the disposition to enjoy idleness ; upon this subject the author is very strong,—he rightly distinguishes it from laziness, or sloth. He says:—

“Possibly, though this is any thing but certain, men may lose some results that occasionally attend an inordinate industry by preserving a taste for serene hours. What then ? In this world we must always lose in gaining, part with something to acquire something else ; but what is your loss in this instance, and what your gain ? Is any thing of value lost if it could never have been used or enjoyed ? No one should disparage business ; but if you will give it an exclusive and undue importance, you drive us to remind you of the experience and the lines of Cowley :

‘Thou wouldst, forsooth ! be something in a state,
And bus’ness thou wouldst find, or wouldst create :

Business ! the frivolous pretence
Of human lusts, to shake off innocence ;
Business ! the grave impertinence ;
Business ! the thing which I of all things hate ;
Business ! the contradiction of thy fate.'

Your gain by discarding such notions is the ability to use and to enjoy what partly is of earth in a way compatible with the everlasting and unmixed gain of heaven. This aggregate of gain the Christian Church, as well as reason, permits ; for she only prays that we may so pass through temporal goods as not to lose eternal. The idea of this gain is accepted by the holy as typical of that which is for ever. 'How will they not rejoice in their own country,' exclaims Richard of St. Victor, 'who can thus exult in a foreign land ? What joy will they not have at home who can be so exhilarated in banishment ?' This gain involves that sort of calm which, as was said of a great poet, when once achieved lasts for ever. In fact, to have a taste for serene hours is to have a taste for heaven ; and this is so true that we find some distinguished men disrelishing the idea of the latter on this very ground ; for the thought of this calm and serenity lasting for ever in the durability of the future state is actually a fresh offence to some self-tormented advocates of 'progress,' who find the immutability of the promised beatitude of heaven as objectionable as the duration of punishment for the guilty, the need of an eternal rest being thought by them contrary to the essential activity of human nature ; but it can hardly be expected of us that we should be swayed by what the new partisans of the metempsychosis may choose to affirm in defiance of experience, and of the very observation of nature that is pretended, which in spite of their assertions does always aspire, amidst its greatest activity, to the realization of an ultimate and eternal rest. De Quincey saw further than these people when he spoke of 'a tranquillity that was no product of inertia, but as if resulting from infinite activities and infinite repose.' The objections of men who seem to find in action only the interest of action itself, are not worth being taken into account, unless it be, indeed, on a very raw day in February, and certainly are inadequate to furnish an argument in spring or summer time against the general object that is here kept in view. One has only to lament that any mortal should be capable of so mistrusting the resources of infinite love and wisdom as to turn aside from the great oracles of truth, and by that very act lose the sentiment of human things while fancying that the peace of heaven must be a lethargic immobility. 'They have reason to fear,' says a recent author, 'lest the activity which they insist upon may be granted them one day and for ever in that impassable circle of illusions, of sterile efforts, and of painful obstinacy, which the periodical evolutions of error in this world figure and presage.'—Vol. i. pp. 46-7.

But, the "idleness" the author so thoroughly appreciates must not be that which is the "mother of mischief." It must rather be the repose which gives time for holy and happy thoughts, and which so freshens up the spirits, as to allow free play for every gentle sensibility. It is certainly true that "natural (or in other words youthfulness of.) character," a "loving, unworldly disposition," a "sense of beauty and a love of nature" are requisite for the enjoyment of "serene hours," whether on the river, or by the fire-side. It is equally true that these, to be enduring must be based upon the first principles of humility, resignation, and faith. But, upon this higher ground we will not follow the author; those who have read his former works will not require to be reminded of the depth and tenderness of his sentiments upon these points; although here they are more lightly touched upon, in accordance with the general subject. We prefer to give the reader a specimen of the author's descriptions of the scenes he loves so well, and which have given their title to the book.

"One might run on thus for ever, and tell, for further instances, of what one ought to feel when seeing Avignon at sunset from the opposite side of the blue Rhone, across its wooded islands—the vast enclosing walls and the noble palace of the Popes, lighted up with golden splendour, and in the distance the mountains of Vaucluse varying from rose to purple, or, moment serener still, how one was impressed with a sense of graceful beauty when sitting near the Chateau d'Eau at Montpellier on a summer's morning before sunrise, when all the city slept.

"Le jour naît ; dans les prés et sous les taillis verts
Allons, allons cueillir et des fleurs et des vers,
Tandis que la ville repose.
La fleur ouvre au matin plus de pourpre et d'azur,
Et le vers, autre fleur, s'épanouit plus pur,
A l'aube humide qui l'arrose."

"But confining ourselves to what is at hand, we require that there should be a capacity for feeling the charm of our Thames as it washes those gardens, so intimately associated with the memory of Pope and Garrick, and indeed throughout its course, at least upwards, where it retains its pure inland character. How many spots might we particularize! Let me not pass in silence Walton-bridge for instance, with its long, graceful sweep, and its quaint decorative architecture, so preposterous as some will think, but having for all that a certain charm as bespeaking another age, or the sud-

den bend of the river at Halliford, with its little island possessing in the season one haycock, and always its one willow-tree, a real tight little island, or the view up the river there at sunset, from the stone steps beneath the lovely little strips of garden from which very polite juvenile anglers ply their craft, or our favourite swimming places, as from the green banks between Shepperton Lock and Penton Hook, where you may have the odour of the new-mown hay, and hear the creak of the landrail, and enjoy a triumphant return from the opposite bank carrying in your mouth a bulrush ten feet long, while tasting, as it were, the solitude, and yet the sunny cheerfulness of the scene. For in this spot we may address to our Thames the lines of Bryant to the green river—

“ Yet fair as thou art, thou shunnest to glide,
Beautiful stream ! by the village side ;
But windest away from haunts of men,
To quiet meadows and shaded glen :
And thicket, and hedges, and slope of hill,
Around thee, are lonely, lovely, and still ;
Lonely—save when, by the rippling tides,
From willow to willow the angler glides ;
Or haply, some idle dreamer, like me,
To wander, and muse, and gaze on thee.”

Neither let us refrain from descanting upon the charm of the luminous air, of the water reflecting every object as clearly as it is seen in itself, the pleasure of having to cut through the long prairies of broad leaved water-lilies, observing further on the sparkling eddies of the curling stream, and the varied tints of the pale osier and the willow, mingled with the rich exotic trees that adorn the villas, having each their gardens sloping down to the river, their arbours and bowers, their temples, begging pardon of the Goths, and terraces recalling Oriental nights and mornings. The sense that can be fed with such objects and such impressions is no doubt needful for the accomplishment of our general object on all these excursions. Every one does not feel the beauty of such scenes, or of others more picturesque and grand. Of course not ! You have only to read such travels as those of the President de Brosses in Italy, in which he speaks of the hideous rocks that lined his road to Genoa, to witness proof that the picturesque as well as the beautiful in more regular form is a world in itself to which some men are total strangers. Ruskin thinks that even Horace in his journey to Brundisium takes as much interest in the scenery he is passing through as Sancho Panza would have done. At all events, there are plenty of people without this kind of taste ; and accordingly, however sorry we may be to say so, it is not every one who can enjoy, in our sense of the word, a serene hour.”—Vol. i. pp. 70-2.

We will give one more extract.

“‘Happy those,’ exclaims Fenelon, ‘who have no taste for out of the way, artificial, violent, expensive pleasures, and who can be contented with the natural sweets of an innocent life! Happy those who can be amused with what instructs them! Ennui, which in the midst of delights devours others, never comes near them.’ The saintly archbishop then speaks in a very unphilosophic way of hearing the songs of the birds, and the sweet breath of zephyrs playing amidst the branches, and the murmur of the clear brook falling from the rock, and the song which the Muses inspire in the shepherds of Apollo. These last, to be sure, we cannot expect to hear in our suburban localities; but, let me tell you, a certain naturalness of taste may be developed very effectually on our Thames, especially if one pushes one’s navigation as far up the river as Runnymede. What do you think, for instance, of a header at sunset from a meadow below Shepperton Lock, where the eddying water of the river lies in the deep troughs under the willows bending over them, or a swim at noon between that halting-place and Penton Hook, where even the solitude under such brightness is cheerful? What think you of the moment, when from the former field you see the dark blue horizon beneath the golden lines of clouds through which the sun is sinking, caught at intervals between the groves, and feel the fresh breeze springing up from the wild sky, and observe rather timidly certain forerunners of the darkness coming on, and are conscious that the noisy swimmers are the only persons near, as if belonging to a passing invasion of nude savages just landed on the grassy herbage, who have their canoe as it were ready alongside it, into which they soon all are to jump, to hurry down the stream never to be seen in that quiet neighbourhood again, or at least not for a twelvemonth? Or what think you of weary rowers by night, watching to catch the first echoes of the falling waters of the wear, which will announce the approach to a lock, that always affords five minutes’ rest to them much wanting it?”—Vol. i. pp. 114-15.

We are aware that objections are made to the discursive style of this author; “he is not logical,” they say,—this, however, we deny. “He does not keep to the point;” not very *closely*, we admit. Well, there are enough of writers who do so—after a fashion. For a change we prefer the *conversational* tone with such a companion; the “easy affluence” of ideas from a mind so richly stocked as that of the author, whose works we have often praised, because we have enjoyed them, and would be glad that others should share our pleasure.

ART IX.—*Tyborne*: and "who went thither in the Days of Queen Elizabeth." A Sketch by the authoress of "Eastern Hospitals and English Nurses." London: Catholic Bookselling and Publishing Company.

WHO has not heard of Fox's Book of Martyrs? What enlightened Englishman is not thoroughly acquainted with all the horrid cruelties, the barbarous atrocities of bloody Mary's reign? Of course we speak of a Protestant Englishman. Catholics are not English; they are Papists, consequently servants of the Pope, incapable of being loyal subjects of a British sovereign. We suppose if we were casually to let fall in general English society, such words as "the bloody deeds of good Queen Bess," we should be deemed fit patients for a lunatic asylum. Oh! no. Smithfield fires burned high and bright; the glow of them radiates the pages of every Protestant historian down to the present day. Bloody Mary was bloody *par excellence*; and joyously did the beef eaters of Harry the Eighth boast the day on which her more tolerant sister ascended the throne. Smithfield was immortalized. Not a history-monger, novel maker, penny-a-line poet, glad to make enough to get his shoes blacked—albeit that ragged urchins do now blacken them for a half-penny in the less fashionable of London quarters, and consequently more convenient to penny-a-liners,—not one of the scribbling crew down to the dirty pages of Harrison Ainsworth, who has not found food for his goose-quill amidst those precious ashes. But *Tyborne*, with its infamous gibbet and inhuman knives is carefully hidden from view. Before the bodies of those martyr priests, suspended there for confessing the faith of Christ and His Apostles, a veil is hung. Queen Bess ruled the realm, penal laws did their murderous work, Catholics were tied up like dogs, and butchered like sheep, only less humanely, and no pen, save one, handed down the records of those who were not afraid to confess the fact that they owned another Vicar on earth than Elizabeth Tudor. Two small volumes, "written in a quaint, dry style," we are told, are all the record left of those who "went to *Tyborne*;" yet in those little books, so simply written, so unembellished by any imaginary romance, lies the history

of deeds no imaginative power ever equalled in conceiving. It must have been with these feelings that the authoress of "*Eastern Hospitals and English Nurses*," perused the work of Bishop Challoner. From thence she drew her facts, incontestably proved, and wove them into a tale of deep and thrilling interest. The chief beauty of the *Sketch* before us is the truth of all that is depicted; no exaggeration, no useless harrowing of feelings over fictitious scenes. The trials of Catholics under the penal laws, the stealthy mass in the upper chamber, the hunted priest, the miraculous preservation of the Holy of Holies, the trial without justice, the torture room, the rack, the gibbet, and, —sickening word and work—the disembowelling of the living body, are all painted in artistic colours, but true in every shade. We may say of Tyborne, what can be said of very few stories, that it is not "spun out." For a subject so replete with intense interest, we should say it is brief to a fault. Yet perhaps in its very condenseness lies its power. Again, in so small a compass there is a too great crowding of characters. Each would bear twice the working out. Even the hero is at times shadowy and undeveloped, whilst the heroine disappears too conveniently; certainly too suddenly forgets "her heart's first love." To view Tyborne as a novel, would be, perhaps, unfair; yet it lays claim to such pretensions, for the softer passion, that essential element in all romances, is freely introduced. The character of Walter de Lisle, is, of course, the most attractive and principal one in the book. He and his sister are left the orphan wards of a Protestant nobleman, and become inmates of his family, and, as is very natural, Walter falls in love with Lord Beauville's daughter. The Lady Constance returns his love, but, instigated by her father, she refuses to marry him unless he take his rank at Elizabeth's court as peer of the realm. This can only be done by abjuring, or, at least feigning to abjure the Catholic faith. She leaves him, supposing she has gained the day; meanwhile he goes to pass the night in all the agony of a wrestling spirit. In the early morning he sallies forth, and through an accidental circumstance, wends his way to the abode of an old friend of his mother. There he meets with Father Campian, "the flower of Oxford and the gem of Christendom." Campian discovers all is not right with Walter, and seeks his confidence.

At first it is withheld, then, the heart striving to keep aloof, was conquered.

"A groan burst from Walter's lips; he threw himself at the feet of Father Campian, and poured forth the whole tale of his temptation and his suffering."

The father counsels him to fly, and he is on the point of consenting.

"But a sudden memory came over him, and for a moment overpowered him. He saw float before him a radiant face, with golden tresses falling on the fair neck; he heard the low tone of sweetness, in which she confessed her love; he felt once more the touch of the arm that had twined round his own but yesternight; his Constance, his beautiful one, his own!

"Walter was all unmanned.

"Campian looked at him with tenderness; he put his hand into his vest, and drew forth a small and finely carved ivory crucifix; he held it before Walter's eyes.

"Behold the Captain in whose army thou hast enlisted, my son!"

Then he presses a secret spring, and shows to Walter an image of the dead Saviour, and tells him it is a fancy of his own, to have the image of death in Him who is the Giver of Life, before his eyes. He says,—

"This is what upholds me when I am like to faint under the burden of temptation, when alluring hopes and fair ambitions would draw me away from His service. I go to kneel, not by His cross, but by His grave, and bury myself and my proud heart beneath the folds of those linen garments."

"Walter's eyes were fixed on Campian, with wonder and reverence. He saw the pale wan face glowing, the deep-set eyes radiant with light and love, as he gazed on the image of his Master's suffering."

"Father," said Walter, suddenly, "I, too, will love Him best; I, too, will lay at his feet every hope and vision. I will die with Him; will lie down in the tomb with Him, and forsake all. Hear me, father, in your presence I vow it;" and Walter pressed his lips to the image of Christ, which Campian held.

"Silently the priest blessed him, and received the vow."

And so ere the freshness of that vow has failed, the hero leaves the lady of his love, his fatherland and friends, and goes across the sea to learn the science which shall number him with the noble army of martyrs. Meanwhile Constance marries a Protestant nobleman, and

Isabel, the sister of Walter, becomes an apostate, and accepts the hand of Vicount Regnier, Beauville's heir. The Earl dies on the very day of the wedding, and Isabel becomes Countess of Beauville. So ends the first part.

In the second, the author developes what has been her dominant idea. Tyborne, with all its attendant horrors, is brought before our view, and, as we have before said, in vivid, though unexaggerated colours. Walter de Lisle returns a priest and Jesuit to Thoresby hall, the seat of an old Catholic family of the same name. There he is pursued by penal law persecution, but through a happy, though not over comfortable concealment, he escapes that time, and reaches London. Then comes a well drawn scene between him and his perjured sister. Her husband discovers it, and with deadly vengeance employs some of his minions to hunt out his brother-in-law. At the altar of God whilst giving the Holy Communion to the faithful gathered together by stealth in that "upper chamber," Walter is taken. The description is admirable, and with her usual happy adroitness, the author has introduced the fact told by Challoner, in his life of George Nappier, priest, of that miraculous concealment of the consecrated pyx. But the chapters describing the torture-room, the trial, and "justice under good Queen Bess," and "Tyborne at last," are the chief features of the little work, which we only wish had been three volumes instead of one.

We give a short extract from the ninth chapter, as being a graphic example of the many scenes enacted in those days.

"In the centre of the room there was a large hoop of iron, which opened and fastened with a hinge. Walter was made to kneel on the pavement, and compress his body as much as possible. One executioner knelt upon his shoulders, while others passed the hoop under his legs. They then pressed the victim's body till they were able to fasten the hoops over the back. This done, they began to question the sufferer. 'One word, one name,' went on the tempter; and the reply was only a low moan, and sometimes the words would come out, 'Jesu, Jesu.' The blood gushed plentifully from Walter's nostrils, and the governor turned away in horror. Eliot went on unconcernedly.

"'Tis thy own fault. Answer me but one word—the names of the recusants whom thou hast received to confession—and thou art free.' 'Dear Lord and master,' said the martyr, 'remember me.'"

One more extract we must give from this admirable "Sketch" ere we conclude. It is again a happy adaptation of facts from the lives of missionary priests. The bill of indictment against Walter de Lisle has been read in court, and the prisoner is desired to answer guilty or not guilty.

"Walter attempted to obey, and to raise his right hand as he proclaimed his innocence; but his arms were so benumbed by the constant wrackings, that the effort was unavailing, and his hand would have fallen back had not Arthur Lisle, who was standing close beside the bar, leant over, and, taking the hand, so abused for the confession of Christ, he reverently kissed it, and then raised his arm as high as possible. 'Not guilty,' said Walter, 'I protest before God and His holy angels, before heaven and earth, before the world, and this bar whereat I stand, which has but small resemblance to the terrible judgment of the next life, that I am not guilty of any treason whatsoever.'

"'What!' exclaimed the Bishop of London, 'wilt thou deny thou art a priest?'

"'Oh! my lord,' said Walter, looking at him, 'surely it becomes not one bound, as you are, to forward religion only, to interfere in a cause of life and death!'

"'To this the bishop made no answer; but, turning to the judge, exclaimed, 'A bag was found among the prisoner's effects; in it were a Roman Breviary, and a paper of faculties to hear confessions, and also to say Mass either above or below ground.'

"'Pray you, my lord,' said Walter, 'was my name mentioned in this paper you speak of; for if not, it surely is no argument against me?'

"'That is nothing to the point,' answered the Bishop, hotly; 'say out at once, art thou a priest or no?'

"'Suffer me, my lord,' answered Walter, 'to demand first one question of you, are you a priest?'

"'No,' said the Bishop.

"'No priest, no bishop,' replied Father de Lisle.

"'I am a priest,' replied the bishop; 'but not a massing priest.'

"'But,' returned Walter, 'if you are a priest, you are a sacrificing priest, for sacrificing is essential to priesthood; and if you are a sacrificing priest, you are a massing priest, for what other sacrifice have the priests of the new law, as distinct from mere laics, to offer to God, but that of the Eucharist, which we call the Mass? If, then you are no massing priest, you are no sacrificing; if no sacrificing priest, no priest at all, and consequently no bishop.' "

The story now rapidly draws to an end. Walter de Lisle goes to Tyborne, and in imitation of his Divine

Master, reconciles a common malefactor who is condemned to die with him. Constance, Duchess of Bertram, the early, only earthly love of the martyred priest, whom he had renounced for the love of the Crucified, becomes a Catholic, and dies in the sacred retreat of a religious house. Isabel Regnier, too, finds mercy ere death numbers her with those who "once were."

We close the book, and say again, "it is too short." There lie, we feel convinced, hidden amongst unpublished manuscripts, old legends, and family traditions, a mine of material for bringing to light the iniquities of Elizabeth's reign. We read novels by the dozen, and weep our eyelids red over characters and scenes that never knew reality. The lies that are woven into romance by Ainsworth, James, Sinclair, and a host of novelists, are suffered to pass as true, are credited by the majority of Englishmen, and sucked down like honey. There have been no martyrs but Bible-readers, and Tyborne is a name unknown. And in these days when the religion of our forefathers is struggling into more vigorous life; now that mens' minds are rousing to a knowledge that popery is not darkness, that Protestantism is not built upon a rock; in these days when such minds boldly confess to the truth they have accepted, and draw down upon themselves all the odium, the suffering, slighting, ridicule, aye, and persecution that is the portion of Catholic converts, it is good to be reminded by histories like Tyborne, that "*such as these have lived and died.*" The author has done a good work, and we thank her for it; too slight, too brief, may be; but it is the germ of what we hope may yet bud into fuller blossom on some future day.

NOTICES OF BOOKS.

- I.—*The Life of Sir M. A. Shee, P. R. A. &c.* By his son, M. A. Shee, Esq., of the Middle Temple, Barrister at Law. 2 vols. London: Longman and Co., 1860.

This work is dedicated most appropriately to the president and members of the Royal Academy; for, in truth, its chief importance is derived from its interesting narrative, occupying more than one half of the work, of the elec-

tion of Sir M. A. Shee, as the president, and of the struggles of this great academy, and its vigorous (and we trust permanent) rescue from the spirit of misplaced economy, which, during nearly the whole of his career, portended its ruin. The intimate connexion of the Royal Academy with the person of the sovereign, and the indication of the Royal will by the appointment on the very morning before his election of his great rival to the office of Sergeant Painter to the king, render the selection of Mr. Shee, a Catholic artist, as creditable to the tolerant independence of the members, as it was to their judgment in the choice of the right man in the right place. The judicious character of their choice is fully established by the documents which are selected and published in the work before us; and they will well warrant a very careful consideration; and cannot, we think, fail to prove that Sir Martin may fairly be called the preserver of the academy. The zeal, spirit, ability, and perseverance with which he fought their battles are beyond all praise, and will be worthy of all imitation, should it unhappily ever again become necessary for this great institution to stand on the defensive. Another merit of our author is that he does what is, we regret to say, only tardy justice to the memory of the eminent architect, Mr. Wilkins, in regard to the construction and architecture of the building in Trafalgar Square on what the late Sir Robert Peel most aptly described as the "noblest site in Europe." It is clearly established that the low appreciation by parliament and the government of the claims of art which thwarted the genius and crippled the resources of the architect, is alone responsible for the miserable failure which now taxes, and we trust successfully, the reconstructive powers of our more enlightened age. Were it not for the portions of the work to which we have referred above, we question whether the life of Sir M. A. Shee supplied sufficient materials for a biography of permanent interest. We greatly doubt whether his reputation as an artist, or poet, or private gentleman, entitled him to be estimated above a moderate average; and excluding his ministerial duties as President, the incidents of his career do not possess more than an ordinary character. To the literary execution of the work we fear we can award only a small modicum of praise. The author has certainly failed as a writer of terse and Saxon English, and has not

exhibited any capacity for condensation. Had he, indeed, possessed that power he would have found that one of his volumes would have sufficed for all the real solid contents of his publication; and thus he would have greatly increased its readableness, by excluding redundancies and omitting the very disagreeable and unnecessary use of phrases in French, in places where English would obviously have been an improvement. Such a biography must of necessity contain many anecdotes which are especially agreeable to the cotemporaries of the subject of it; and in this sense we can recommend the work with considerable confidence; although many of the stories are but inadequately narrated, and there are traces of an absence of that good taste which we expected to find in any work of the amiable and accomplished author. We think, for example, that his heading (vol. i. p. 294) of "aristocratic and spiritual patronage," is a remarkable blunder. Not less than six pages are devoted to a vituperative charge against Lady Buckingham, to the effect that when she wanted an altar piece for a Catholic chapel, which she was erecting at her own expense, she thought that she might with propriety patronise a young and rising Catholic artist, by honouring him with a request to paint "*and present it as a gift to the altar*," and thus associate his name with her work of charity. We own that we should have been gratified if the artist had not declined the "gratuitous and unremunerative task so coolly proposed to him," (vol. i. p. 206.) We cannot but think that had he made the sacrifice, he might not have been without his reward, even in a worldly sense; and sure we are, that though the painter might have been the poorer, he would also have been the happier had he rendered his assistance in "building up the walls of Jerusalem." We may fairly, we think, award the praise of general accuracy, but in one instance this is wholly out of our power. The use of hard words will be found to be singularly out of place in vol. ii. pp. 80-3, where "we find that it has become a duty incumbent on Sir Martin's Biographer to notice a new statement plausibly endorsed which, if left uncontradicted, would tend to affix on the memory of King William IV., an imputation of unfeeling, insolent, and brutal vulgarity, such as the bitterness of party hate could alone have dared to ascribe to one of the most amiable and kind-hearted monarchs that ever sat on the throne of these realms." We must refer our readers

to the narrative which excited such a torrent of eloquence, but we must also inform them that the story is substantially true, and except in mistaking the artist alluded to, is literally so. The authority of Mrs. Lionel Dawson Damer, and of Mr. Raikes' Journal, on which it rests, is fully borne out by perfectly reliable and unexceptionable testimony of a surviving member of the family of the painter, whose name, by mistake, was substituted for that of the late President;—an artist of very high reputation, and closely connected with his immediate predecessor. It does, indeed, surprise us not a little, that our author should not have extended his enquiries among the members of the academy before pronouncing sentence in such terms as those which we have quoted, on a story which was told with characteristic circumstances, and on authority not likely to be mistaken or influenced by malignity. Had he made such enquiry, he would have learnt, what must have been widely known in the circle of the academy, that the distinguished painter whom we referred to had executed an extensive commission in portraits of the celebrities of Portugal—the Queen, the Marquis Palmella, and others, including the portrait of Admiral Napier, whose services, connected with that country, well warranted the compliment. This somewhat numerous series of portraits was, in fact, submitted to the King, who commented upon them, as we are told, in succession, with the “excellent spirits and uniformly gracious and affable” demeanour, which were doubtless his characteristics, until unhappily, the portrait of Admiral Napier fell under the royal vision. But on its appearance, we regret to say that the “Sailor” somewhat forgot the King, and the royal anger and indignation exploded in language which was at the same time very sailor like and very Saxon; too much so for us to repeat; but which nevertheless, did not in our judgment, call for the strongly condemnatory phrases which are applied by our author in denying its authenticity. The cause of the outbreak we leave to others; the fact we assert to be undeniable.

II.—*Emblems of Saints*, by which they are distinguished in Works of Art. By F. C. Husenbeth, D.D., V.G. Provost of Northampton. Second edition, extended and improved. London: Longmans, 1860.

The perusal of a continuous page or two of this attractive little volume brought to our recollection the story of the

Frenchman, who prosecuted his studies in English by reading Johnson's Dictionary straight through, and who, on being asked what he thought of it, replied that it was "a very learned book, but rather unconnected." This work of the Provost of Northampton has something of the nature of a dictionary, and the industry and persevering research that have brought so much into so small a compass excite our lively admiration. Nowadays pictures and picture galleries have happily become so accessible in our own country—not to speak of the large numbers of travellers to whom the foreign treasures of art are familiar, that a work of this character was much needed, and we are rejoiced that its compilation has fallen into such conscientious hands. There are very few who look at a picture merely as a work of art and with the eye of a painter for its material execution. Half the pleasure derived from a picture comes from the subject and its conception in the poet-brain of the artist; and it is very tantalizing to be debarred from the enjoyment of this gratification by a perplexing ignorance of the personages represented. To unlock these difficulties Dr. Husenbeth has prepared for us a key. Of the sacred subjects so generally handled by the great masters, the saints selected by them are usually the most difficult for an inexperienced eye to identify. But to those who understand a painter's language, their names are usually written on the canvass in characters that we may well call *hieroglyphic*, or rather *hierographic*. Each saint has his traditional emblem or more frequently emblems, and distinctive mode of representation by which he is at once open to recognition, and by the help of which the picture immediately tells its tale without time being previously lost in conjectures. These emblems carefully arranged are recorded in Dr. Husenbeth's useful work. We should strongly recommend our readers to provide themselves with it when about to visit a gallery of religious pictures, that is to say, any gallery containing the works of the great artists. Another and similar class, who will find it of the greatest assistance, are the archæologists and ecclesiologists whose investigations lead them into our dear old churches in search of the remains of ancient art. Most valuable service would be done by any one who should write for us a kind of spiritual geography, by which we mean an account of the localities in which the veneration of certain saints pre-

veiled and the distant places to which their names and their honours were carried. To any one engaged in such interesting researches this book would afford the most material, if not indispensable assistance. Such is one division of the work: *Emblems with their Saints*. The other portion, *Saints with their Emblems*, giving, as it does, not only emblems properly so called, but also the manner of representation when it contains anything of uncommon occurrence or unusual interest, will be of the greatest advantage to church decorators and artists, of whose talents we trust every year to see more use made in bringing holy personages and holy scenes before all eyes in our churches. To artists in stained glass this book will be a great help, and will we hope enable them to vary somewhat the monotony with which in modern glass a figure is apt to be repeated. The lists of patron saints, of the emblems of the Sibyls, and of the heraldic bearings attributed to certain saints in the quaint old times, are excellent adjuncts to the work. The preliminary table of ancient spellings of the names of saints is very amusing, and will in some cases furnish a key to the names of places. It is certainly needful to be told that *Eppalets* and *Pallets* mean *St. Hippolytus*; *Olaus* and *Tooley* are *St. Olave*; *Pernel*, *Parnelle* and *Purnel*, *St. Petronilla*; that *Sitha* is *St. Osyth*; *Audry*, *St. Etheldreda*; *Agace*, *St. Agatha*; *Aiplomay*, *St. Apollinaris*. Our readers, we trust, love pictures, and if they do, this book will have a place in their travelling bag.

III.—*Life of Monsignor Weedall, D.D.*, Domestic Prelate of his Holiness Pope Pius IX., V.G. of the Diocese, and Provost of the Chapter of Birmingham, and President of St. Mary's College, Oscott. Including the early History of Oscott College. By F. C. Husenbeth, D.D., V.G., Provost of Northampton. London: Longmans. 1860.

The one great thing necessary in the author of a biography is sympathy with him whose life he tells. The highest form that this idea can take was the exclamation of St. Thomas Aquinas, when observing St. Bonaventure engaged on the life of St. Francis: "let us leave a saint to work for a saint!" If this element of sympathy is wanting, there will be a coldness in the portraiture in a book, as there would be in the work of an artist's pencil; a fidelity perhaps in external lines and visible forms, but

an utter absence of the animating spirit. It is therefore a matter of no little moment to us, to whose hands shall be committed the work of preserving for us the memory of the lives of our great men. In this case we have been very fortunate, for the Provost of Northampton is, of all men in England, both from his accurate knowledge of the circumstances of his life, and from his thorough sympathy with his ecclesiastical spirit, the fittest to have written the life of the Right Reverend Dr. Weedall.

This book, we think we may say, forms a *triplex funis*; three strands combine to form the thread of the story.

The first is the personal narrative which flows on from the time when "Harry Weedall" was a little boy at Sedgley Park "remarkably fond of birds," where the author first came to know him; through his career as an ecclesiastical student at Oscott; past his ordination by the great Milner, with whom the subject of this biography, its author and several whose names are recorded in it happily link themselves; through days of admirable service in the Church's cause, at his desk and in the pulpit, as missionary and professor, work carried on bravely in spite of the drawbacks of constant ill-health; in company of Mr. Weedall as Vice-President, Professor of Theology, Spiritual Director, Procurator and Prefect of Studies; through the days when still higher honours come upon him, and he is made President of the College, and Vicar-General of the District, and is decorated with the well-merited Doctor's cap; passing with him his vacation abroad and present with him at the miracle of St. Januarius at Naples; seeing his efforts after his return for the foundation of the New College, ever to be his glorious monument; accompanying him to Rome when he has been appointed Bishop, and watching his demeanour in the comparative retirement that followed the Pope's permission to him to decline episcopal consecration; witnessing his place by the Bishop's side and his return to St. Mary's; sharing in the general joy at his elevation to the Roman prelacy and in the celebration of his jubilee of college life; edifying us by his closing labours and his holy death:—the biography puts before us the faithful record of the life of one of the great men who have laboured that we might enter into their labours. This is all told with great simplicity and occasionally in a quaintness of style that reminds us of the days of which it prin-

cipally treats, when the clergy put on hair powder on receiving the subdeaconship, and were beginning to substitute black coats for brown ones. Two specimens of this strand—shall we call it a *yarn*?—of this cord binding us to times we highly value, we must put before our readers. One shall be an illustration of the cheerful, light-some spirit, and the other of the pious dispositions of Monsignor Weedall. The first we have chosen almost at random from amongst the many similar anecdotes this book contains.

"There was a large dog kept chained at the door of the farm house. The present writer often accompanied Mr. Weedall to the farm, and on one occasion he asked him the name of this large and fierce looking animal. Mr. Weedall told him it was called 'Rose.' The writer observed that so sweet a name was misapplied when given to a dog, and particularly one so formidable. To which Mr. Weedall replied, with his well known smile on uttering any little pleasantry: 'O you know, it's a *dog rose*!'"—p. 116.

From pleasantry to piety in such a soul as Dr. Weedall's the transition is not violent.

"After the First Sunday of Lent, in the middle of March, he became very unwell. He was obliged to keep his room, and soon after was confined to his bed: indeed he was so ill, that it was feared he would never rise from his bed again. During this time he received the Holy Communion almost every day, which was administered to him by the worthy Vice-President, Canon Bagnall. He suffered with the greatest patience, and most exemplary resignation. What seemed to afflict him most, was that he was unable to attend the usual Meditations in the chapel, as he had always done most punctually. He feared that his absence might cause disedification: the very same apprehension which the writer remembers to have been felt by the illustrious Bishop Milner; who when staying at Oscott, and unable from infirmity to rise early enough for the hour of Meditation, which was half-past six, very humbly begged pardon when he came down, for the disedification which might have been caused by his not appearing earlier, informing us that he could not get any sleep till morning. So it was now with poor Dr. Weedall, and he had the same delicacy of conscience as his great master and model. He often desired the servant to ask Canon Bagnall to come to his room, as he went down to the chapel, as he wished to speak to him; and it was always to express how sorry he was that he could not attend himself, and to request him to explain to the ecclesiastics the reason of his absence. He was so particular on this point, that when better in health, he never absented himself from the Meditation, though he would have

been amply justified if he had done so; for owing to his habitual complaint, he never had a good night's rest. He was disturbed nearly every half hour of the night, and often could get but little sleep till perhaps four o'clock; and often said that when the servant came to call him soon after five, he felt then that he could sleep. Nevertheless he invariably got up, that he might be present in the chapel with the rest at the Meditation."—pp. 289 91.

The second strand of which we spoke, we ought perhaps not to have separated from the first; but in truth, Dr. Weedall's sermons, being the produce of an elegant and well furnished mind of no common order, deserve a place by themselves. May we not hope that they may receive such a place? The extracts with which we are here supplied are tantalizing, for we cannot help feeling that where these extracts came from, the whole sermons are probably to be found. These productions are so carefully written, and so well considered that we could scarcely find anywhere specimens of pulpit eloquence more deserving of being read and re-read in private. We refrain from giving any quotation from the many beautiful passages before us, in the hope that our author may give us another opportunity of returning to this subject. But we cannot resist the temptation to give one of Dr. Weedall's compositions, "portions of a speech at a supper which he gave at his own house to the members of the choir," at Leamington, which Dr. Husenbeth well calls "a good example of Dr. Weedall's cheerful and happy style of address on familiar occasions.

" 'My good Friends,

" 'It is usual on occasions like the present to address the company as 'Ladies and Gentlemen:' but I think it more suitable to the simplicity of my feelings, as well as to the ordinary style of my addresses, to say, my dear friends, my good friends.

" 'Good friends then let it be. And now let me tell my good friends that I am not going to make this a speechifying night, to turn our meeting into a debating club—to turn *concord* into *discord*. If I express to you the pleasure I feel in meeting you, and my gratitude for the great exertions you make for promoting objects so dear to me, I shall not ask any one to make a speech in return. If only my sincere thanks shall be thought not unworthy of your acceptance, I shall wish you to keep them, and not to return them. So much for the character of our meeting.

" 'I feel quite delighted that circumstances this year have enabled me to receive you in my humble habitation, and at my humble

board. Perhaps you may think that I am here affecting a false modesty, and that I deal unjustly with the *board*, when I style it *humble*. But I assure you I mean what I say. For excepting only the sincere good will, and the hearty welcome which I proffer you on this occasion, I can claim very little of this entertainment but the *simple board below*. The viands above are all the contributions of good friends to you and me; some of whom I will not name, because they may happen to be here present, and others I need not name, because they are absent. All of them by this act wish to acknowledge the utility of your services, and to make substantial demonstration of the warm interest they take in the little party assembled."—pp. 242-3.

With these is interwoven an account of the early history of St. Mary's College, Oscott. To this, the History of Sedgley Park by our author serves as a natural introduction, and we are glad that it has fallen to the same pen to write them both. But the reader must not go to it as a *complete* history of Oscott or he will be disappointed. It is the *early* history, and therefore there is no mention of a name which has shed a most singular lustre upon Oscott, the name of him who made St. Mary's College the point to which the eye of every convert naturally turned as to the place where the Oxford movement was most thoroughly understood and appreciated, and where it had its fulfilment.

If the experiences of the past are to do their full work in guiding the future, the office of chronicler in any community is no unimportant one. It calls however for qualities not often found, and which are required to be in exercise all through life. No one can jump up suddenly and say that he will be the historian of any event or career, the day by day progress of which he has not carefully noted. The Provost of Northampton is evidently one of these careful jotters down of occurrences and dates, of no great moment perhaps in themselves individually, but some day taking their places as links in a chain, which, as years go on, becomes more and more valuable. Were it not for books like this, those who come after us would hardly know to what manner of men they were indebted for their inheritance. The name of Henry Weedall will assuredly not be soon forgotten, and his friend and biographer has in this his *Life*, done good service to his memory and to religion.

- IV.—*The Month of Mary conceived without sin.* From the French of the Rev. A. Gratry. London; Richardson and Son.

Of all the "Months of Mary" which it has been our fortune to recommend, we ourselves should give the preference to this. Father Faber, in an excellent preface, having first—with his own peculiar touches of persuasiveness and beauty—enforced the devotion to Mary, then the especial one of her "month," of which he gives a brief history; and having mentioned the many meritorious works which have been written for the assistance of Catholic piety at that time, he finally gives his reason for an especial recommendation of the present volume—because it best meets the spiritual difficulties and state of mind of modern Catholics; certainly its style is not that of ejaculatory devotion. The unauthenticated miracles and pretty stories are sparingly inserted, and perhaps this is as well, since they were liable to provoke captious objections. The thirty-one meditations are carefully written, and based upon points of theology and reasoning, selected from the best sources. The result is a depth of thought and feeling which will render this little work valuable as a permanent manual of devotion to our Lady, as well as an assistance in the observance of her especial month.

- V.—*Mary's Pre-eminent Dignity, Sanctity, and Merit.* By the Rev. John Perry. London: Dolman, 1860.

This little work is very devotional, for it is good and fervent; at the same time the simplicity of style, of thought and language, are in perfect good taste. It is a work we should choose to give away, and we say this in no disrespect. Most of us have known what it is to wish for some safe work of the kind to put into the hands of those who, in our own opinion, at least, (heaven save the mark!) required some book of a more elementary character than we should ourselves be contented with.

- VI.—*Life of St. Columba or Columbkille, Patron of Derry and Founder of Iona.* By St. Adamnan, Abbot. Translated from the original Latin with copious Notes, London; Richardson and Son. 1860.

We think the Catholic public much indebted to the translator of this work. The life of a saint by a saint must have an especial interest; and in this case the

period when the two venerable men lived, gives a character of its own to the narrative. With solemn simplicity, doubting nothing and fearing no doubts, St. Adamnan relates the miracles of the still greater saint who was the Apostle of Scotland, and one of the three chief patrons of Ireland, and whose memory is still held in the deepest veneration as is that of St. Adamnan himself, by the faithful people in the county of Donegal, and in the Diocese of Raphoe which tradition fixes as the place of his birth. The life of St. Columba is chiefly told by his miracles which are very interesting, partly because they bear, we think, a peculiar character of charity and wisdom; and partly from the antique grandeur and simplicity of the incidents connected with them. We will give as an instance one of the first that strikes us.

"At another time, in the island of Iona, on a day when the tempest was howling and the waves were so high as to defy all sailing, the saint sitting within the house, gave orders to his brethren, saying, 'prepare the stranger's apartment quickly, and bring water to wash the stranger's feet.' One of the brethren upon this inquired, 'Who could cross the sound safely, narrow as it is, on so perilous and stormy a day?' The saint hearing this answered, 'The Almighty has given a calm even in this tempest to a certain holy man, one of His elect, who will arrive here before evening.' And lo! the same day, the ship for which the brethren had been looking out, according to the saint's prediction, arrived, bearing St. Canice. The saint went forth with the brethren to meet him, and received him with all honour and hospitality. But the sailors who had been with St. Canice, when asked by some of the brethren what sort of a voyage they had, told them as St. Columba had predicted about the tempest, and also the calm which God had given in the same sea, and at the same time, by a miraculous separation, the tempest which they saw at a distance but did not feel."—p. 15.

We will quote one more story of the same kind.

"One time, as the saint was staying for some days in the island of Skye, he struck the sea shore with his staff, and said to his attendants; 'Strange, my children, this day, a pagan, an aged man, whose conduct has been blameless throughout life, will receive Baptism, die, and be buried on this very spot.' And lo! about an hour after, a boat came into the harbour, on whose prow sat a decrepit old man, the chief of the Genoa Cohort (Genode). Two young men took him out of the boat and brought him before the saint. After being instructed by the saint through an interpreter, the old man believed, and was baptized, and when the sacrament was administered, he died on the same spot according

to the saint's prediction, and his companions buried him there, raising a heap of stones over his grave. This cairn may be seen still on the sea-coast, and the river in which he was baptized is called to this day by the inhabitants, Dobur (the stream) Artbranani."—p. 38.

St. Adamnan usually appeals for confirmation to the local knowledge and traditions of his readers. At others he says simply, "What more! the prophecy of the holy man was fulfilled, and this was Aenghus, surnamed Bronbachar." Once he says, "Of the miracles recorded in this chapter, there are yet living not merely one or two witnesses as the law requires, but hundreds who can bear witness to their truth."

Curious "signs of the times," are recorded, such as might be found in the poetry of Ossian, as, for instance, the holy man's prophecy concerning the polluted well.

"Another time, after the convention of the kings at Drumceath, that is, between Aedh, son of Gabran; and Aedh, son of Aainmurech, the saint returned to the sea shore, and on a cloudless day in summer, he and the abbot Comghaill sat down not far from the above named fort: after the saint had got a little water brought to him from a well that was close by, to wash his hands, he said to the abbot: 'A day shall come when the well from whence this water was drawn will be no longer fit for man's use.' 'Why,' said Comghaill, 'shall the water be corrupted?' 'Because,' replied the saint, 'it shall be filled with human blood, for my relatives and yours, that is, the descendants of Neill and the Cruithnii shall wage war in the neighbouring fortress of Cethern, and in that conflict an unhappy relative of mine shall be slain, whose blood, mingling with that of many others, shall fill up the well.' This truthful prophecy was fulfilled after many years, for in that battle, it is well known, Domnall, son of Aedh, came off victorious, and in that well, according to the saint's word, was slain a near relative of his. Another soldier of Christ, called Finan, who led the life of an anchorite blamelessly for a long time near the monastery of Durrow, and who was present at the battle, assured me, Adamnan, that he saw a man's body lying in the well, that on his return from the battle-field the same day to the monastery of St. Comghaill, in Irish Comas, he found there two aged monks who, when he told them of the battle he saw, and of the well filled with human blood, exclaimed, 'A true prophet is Columba, for he had foretold all the circumstances you now mention, long indeed before they occurred, in our hearing to St. Comghaill, when they sat together near fort Cethern.'"

But we have said enough to give our readers an idea of St. Columba's gifts of prophecy and miracle. We will

only add that the translator, whose name is not given, has added notes that leave no names of places or persons unexplained, and an appendix containing some curious information. Altogether this little work is, as a fragment of antiquity, well worth the perusal.

VII.—*Walking with God; or, Dwellers in the Recreation House of the Lord.* From the French of the Pere Rigoleuc, S. J. London: Richardson and Son, 1860.

A selection from the works of so eminent a divine as le Pere Rigoleuc, cannot but be highly valuable. The instructions it contains are of an ascetic character, in fact, addressed to the inmates of Religious Houses; to such as "are learning to walk and dwell in the school of religious perfection." Our readers will understand, without any observation of ours, that many things which it contains may be very generally edifying. We will mention especially the "Counsels for souls whom God leads in the ordinary ways of grace," and the "Exercise of preparation for death."

NOTE.—We have received Mr. Massey's first, second, and third volumes of "a History of England during the Reign of George the Third." We propose to review the work when completed in his fourth volume. Also O'Donoghue's "Historical Memoirs of the O'Briens," which we hope to notice. MacMahon's "Treatise on Metaphysics" comes so much within the scope of a recent article in the *Dublin Review* as to preclude our going further into the subject, at least for the present. We much regret that "T.A.P.'s" "*Introduction to the History of France*" has reached us at too late a period to enable us to bestow on it, in this number, the attention which it appears to merit. We regret our ignorance of the identity of the author. We had prepared notices of "May Templeton;" "United Irishmen, third series;" "The Third Report on Reformatories;" and of other works which our want of space obliges us to postpone.

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